

# **Review of National Police Oversight Models**

For

The Eugene Police Commission

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## I. Introduction

The City of Eugene Police Commission requested the Police Assessment Resource Center (PARC) to draft a report describing the wide variety of police oversight models currently in use in the United States, focusing particularly on cities with a population and a police force similar in size to Eugene's. To that end, PARC selected 30 oversight mechanisms that are described in detail in the appendices to this report. Models discussed in this report were chosen either because of their comparability to Eugene or to provide as complete a picture of the different forms of oversight presently in operation around the country. Some models discussed are considered quite effective; others are included for the sake of completeness, even though they are not satisfying many in their communities. While there is some correlation between the strength of a model's powers and perceived success, that correlation is far from universal. Considerable power alone does not make a successful model. Rather the right combination of powers, leadership, and staffing that strikes the best balance for the numerous parties in the community with their widely diverging interests is most likely to be successful.

For each of the oversight models selected, the appendices examine in-depth its structure, history, budget, police-civilian complaint process, working relationships, and other functions. Information was obtained from a comprehensive review of websites, annual reports, newspaper articles, and city ordinances. Additionally, interviews with agency representatives were conducted by PARC staff in person, by telephone, and via e-mail.

In addition to the survey of oversight models, the City of Eugene Police Commission asked PARC to provide guidance about the factors that would be beneficial for all interested parties to consider in selecting the best police oversight model for Eugene.

Accordingly, this report first provides an historical and analytical framework on policing and police oversight. Next, this report analyzes the three major groupings of police oversight mechanisms: review and appellate models; investigative and quality assurance models; and evaluative and performance-based models. Finally, this report provides a framework designed to assist the Eugene community in deciding what type of police oversight model would best meet Eugene's needs. This report does not advocate for any particular form of oversight. Rather, PARC strives to present a neutral and trustworthy analysis of this complex subject.

Before turning to those subjects, however, we briefly discuss Eugene's recent history relating to oversight of the police. In 1997, the City Council appointed a 20-member External Review Advisory Committee (ERAC) to study and make recommendations on models and methods of police oversight. ERAC recommended the creation of a paid auditor position and a volunteer civilian review board to monitor Police Department internal investigations. ERAC also recommended the establishment of a City Council-level police policy review body.

A ballot initiative to establish the auditor position and a civilian review board narrowly failed. Nonetheless, in 1998, the Council established the Police Commission. The commission is a 12-member citizen body that is empowered to make recommendations to the City Council, the Chief of Police, and the City Manager on police policy and resource issues. The commission is expected to:

1. Increase communications between police and the community, leading to a greater understanding of preferred policing methods;
2. Identify police policy and resource issues;
3. Decrease misunderstandings regarding the nature of police policies, practices, and approaches;
4. Provide input on police policies and procedures that reflect community values; and
5. Assist the City Council in balancing community priorities and resources by advising it on police resource issues.

According to the ordinance creating it, the Police Commission cannot review allegations or inquiries related to the actions of individual police officers. In its policy advisory role the commission has been responsible over the past six years for making recommendations on the following subjects, among others: use of force, use of pepper spray, vehicle pursuits, media access, and SWAT.

For the past three years the City has also contracted with an auditor to review a sample of closed internal investigations. The primary purpose of the audit is to determine whether the police complaint system is functioning as intended and to identify areas in need of improvement. Specifically, the auditor reviews closed investigations files, both paper and audio, to evaluate whether:

- Complaint investigations were timely, thorough, and complete;
- Results were objective and considered the perspectives of both parties;
- Conclusions were logical and consistent with the facts;
- Adjudication was fair and reasonable; and
- Discipline was consistent.

Over the past year, both the auditor and the Police Commission have raised concerns about the fairness of the current Police Department complaint system and its ability to hold officers accountable for inappropriate conduct. These issues contributed to the commission's request to PARC for a review of other models of oversight that could complement or replace Eugene's existing oversight functions.

## II. The Growth of Police Oversight

### A. The Foundation of Modern Policing

To understand police oversight, it is helpful to know how modern policing began. The role and function of a contemporary American police department are largely the result of developments in 19th-century London where, in 1829, Sir Robert Peel first recognized the need for a modern police force as English cities grew larger and crime and disorder increased. Thievery, gambling, prostitution, purse snatching, and pick-pocketing, among the other evils of Dickensian London, were rampant. Previously, police functions had been performed by part-time village constables, private guards and night watchmen, or, in the case of riots and major disorder, by the militia or the military. Peel believed that a standing permanent police force was necessary.

The creation of a professional police was not without controversy. The idea of a highly visible, distinctive, uniformed, full-time, paid police force organized on quasi-military lines was a matter of concern to those who feared that omnipresent police would curtail civil liberties and privacy. People also worried that the police would become the coercive agent of the state or of corrupt individuals wielding great power. In addition, people were concerned that the police might usurp the role of judge and jury by deciding guilt and meting out punishment. Finally, there was concern that the police might overstep boundaries and use force excessively.

Thus, the legislation introduced by Peel in 1829 was a compromise that strictly separated the job of the police from that of the judiciary and narrowed the role of the police largely to the prevention and detection of crime. Peel formulated a set of principles that made clear that the police were to be accountable to the wider public of which they were part. Peel's nine principles became the foundation for English policing and, in 1844 – when the New York Police Department was formed – American policing. Those principles state that the role of the police is:

1. To prevent crime and disorder.
2. To recognize the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behavior, and on their ability to secure and maintain public respect.



3. To recognize that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing the observance of laws.
4. To recognize the extent to which the co-operation of the public can be secured diminishes proportionately with the necessity of the use of physical force compulsion for achieving police objectives.
5. To seek and to preserve public favor, not by pandering to public opinion, but by constantly demonstrating absolutely impartial service to law, in complete independence of law and without regard to the justice or injustices of the substance of individual laws; by ready offering of individual service and friendship to all members of the public without regard to their wealth or their social standing; by ready offering of sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order; and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being members of the public who are paid to give full time attention to duties which are incumbent on every citizen, in the interests of the community welfare and existence.
8. To recognize always the need for strict adherence to police executive functions, and to refrain from seeming to usurp the powers of the judiciary or avenging individuals or the state, and of authoritatively judging guilt and punishing the guilty.
9. To recognize always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

#### B. The Development of Police Oversight

From the beginning of American policing, there has been debate about who should oversee the police and enforce Peel's principles. The question of who is best

suited to police the police has been answered in different ways depending upon the problems in any given era.

In the early years of the NYPD and other police departments, the police were overseen by local political bosses. Ward heelers treated a job in the police department as political patronage, and the police quickly became corrupt and beholden to the local political bosses and their appointees and favorites. In response, in connection with a wave of reform to weaken local ward heelers, the first Boards of Police or Police Commissions were formed. In New York, for example, the Mayor, the Chief of Police (renamed Commissioner), and a City Judge constituted the members of the first New York City Police Commission.

Until the 20th century, mayors, alone or in conjunction with commissioners, were the primary police oversight mechanism. A mayor's principal power was to hire and fire the Chief of Police. Not unlike the ward heelers before them, some mayors treated the police as political patronage and required the police in turn to raise money for their next political campaigns and provide protection to the mayor's cronies.

These growing corrupt practices led to the next wave of police reform and a new model for police oversight. The Progressive movement in the United States in the first quarter of the 20th century was deeply distrustful of politicians and electoral politics, viewing each as hopelessly corrupt. Instead, the Progressives argued, power over the police should rest in the hands of good citizens (bankers, established merchants, civic-minded lawyers and other professionals) who would serve on a part-time basis, usually without pay, to oversee the police on a nonpartisan, politically independent basis.

In order to take policing out of politics, the power to hire and fire the Chief was given in whole or in part to the group of good citizens serving on police commissions. The Progressives saw these commissions as a buffer shielding the police from the mayor and partisan politics. Police commissions would function as the Board of Directors of the police department, with the Chief of Police acting as the chief executive officer and reporting to the Board. Police commissions would not micromanage the police departments, but they would have the broader power to set policy for the department and to hold the Chief and senior police executives accountable.<sup>1</sup>

The police commission model never quite performed as the Progressives had hoped. Because the police commissioners were appointed by mayors or the city council, and served at their pleasure, partisan political considerations were never eliminated. Either directly or indirectly, mayors continued to have a significant voice in the selection of the Chief of Police. The good citizens who were appointed to these commissions generally lacked expertise in police affairs and, as part-timers, did not have the time to acquire it. As a result, police commissions were overly deferential to the Chief of Police and, over time, became essentially rubber stamps.

The independence of the Chief of Police and the department from these weak commissions led in turn to police chiefs and departments that became a power in their own right, insulated and, in practice, accountable to no one. This lack of accountability led to abuse of power, particularly with respect to the policing of racial and ethnic

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<sup>1</sup> As noted above, the Eugene Police Commission, though sharing the same nomenclature as the police commissions being discussed, has considerably different powers. This discussion of “police commissions” therefore is not applicable to the Eugene Police Commission.

minorities, poor people, and others without an effective voice. In certain places, police were seen by communities of color as an occupying army whose mission was to contain and repress those communities in order to serve and protect the largely white middle and upper classes. Large portions of communities of color came to see the police as unwilling to protect and serve them, vulnerable as they were to crime. The bond of trust that Sir Robert Peel so emphasized in his nine principles gave way to cynicism, lack of cooperation, and outright hostility, leading in turn to the major city riots of the 1960s, most, if not all, of which were triggered by an officer-involved shooting or an ugly excessive force incident.

The 1960s gave rise to urgent, if not strident, calls for empowerment of communities of color by placing the police under scrutiny by civilian review boards with substantial membership by persons from racial and ethnic minorities. Advocates of civilian review boards argued that law enforcement agencies rarely, if ever, conducted thorough and fair investigations of citizens' complaints or undertook substantial internal reform on their own. The solution, they contended, was to create an outside, civilian organization with significant or exclusive responsibility for the investigation and resolution of citizens' complaints.

Civilian review boards were formed in many cities and continue to function to this day. Many of the problems described earlier with respect to police commissions also have plagued many review boards. The lack of expertise in police tactics, strategy, and policy has prevented many review boards from effectively overseeing the police, and has

often resulted in boards agreeing with the police department 90 percent or more of the time. Additionally, many review boards have been starved for resources and lacked adequate staff, leading to a large backlog of unresolved cases. As a result, many review boards have had difficulty providing meaningful insight or oversight.

The videotaped beating of Rodney King in 1991 by officers from the Los Angeles Police Department initiated experimentation with new forms of police oversight. Previous models, including civilian review boards, were perceived by reformers as lacking the ability, authority, and expertise to identify and confront entrenched, chronic patterns and practices of police misconduct. Some argued that these previous models were powerless to change internal police culture or to identify systemic problems and failures of accountability. In response, several communities voluntarily appointed auditors who concentrated on systemic reform. In other instances, the United States Department of Justice or state attorneys general initiated investigations and litigation which resulted in the appointment of a monitor. These monitors issue public reports detailing the successes and failures of police departments in achieving widespread reform.

Other police reformers in the post-Rodney King era concentrated on displacing in whole or in part the power of Internal Affairs and the Chief of Police to investigate and adjudicate citizens complaints. In some instances, Internal Affairs was placed under the direct control of civilians, usually a lawyer or group of lawyers who became responsible for assuring the integrity and thoroughness of investigations. In other instances, the

power to investigate citizens' complaints was taken away from the police department entirely and turned over to a civilian review board or a newly created outside agency comprised of lawyers and investigators. Today, there are three main groupings of police oversight models in existence: review and appellate models; investigative and quality assurance models; and evaluative and performance-based models. The next section of this report will describe these three models in some detail.

### III. Police Oversight Models

#### A. Review and Appellate Models

Review and appellate models typically go to work only after the law enforcement agency itself has completed an internal investigation of a citizen's complaint. Many civilian review boards function in this way. Usually, these boards can only review the completed file and cannot conduct independent investigations or hearings, or subpoena witnesses or documents. Nor can they adjudicate complaints or mete out discipline to errant officers. The power of such boards is limited to giving the Chief of Police recommendations whether: (a) the results of the completed internal investigation should be sustained or reversed, or (b) further investigation or reinvestigation should take place. Generally, no portion of the review process is public. These review bodies often have no stand-alone budget. Review and appellate models deal exclusively with citizens' complaints on an individual basis. They do not, as a rule, look at the department as a whole or search for patterns and practices of police misconduct. Generally, they cannot make policy recommendations based on their review of completed internal investigations.

Review and appellate bodies may or may not have full-time staff. Their budgets are small. They generally cannot receive complaints and only become aware of complaints or investigations when notified by Internal Affairs. Additionally, Internal Affairs is generally not required to notify these bodies of filed complaints. These review bodies most often report to the Chief of Police and have little access to elected officials. St. Paul, Minnesota's Police-Civilian Internal Affairs Review Commission (Review Commission) is a good example of the review and appellate model.

St. Paul has a population of approximately 300,000 with a police department of 555 sworn officers. The Review Commission, which has a staff of one and an annual budget of \$37,160, consists of seven members, two of whom are St. Paul Police Department officers. Members are jointly appointed by the Mayor and Chief of Police. The Commission has a civilian coordinator employed by the Police Department who processes complaints from the public, but the Internal Affairs Unit of the St. Paul Police Department handles the investigations. The Review Commission has subpoena power.

Once an Internal Affairs investigation is complete, it is sent to the Commission for review. The Commission reviews all IA investigations alleging excessive force, use of firearms, discrimination, poor public relations, and other complaints at the Chief's discretion. The commissioners, commission coordinator, IA commander, IA investigators, and a secretary are the only parties allowed to attend the case review. The commissioners, after being presented information about the case from an IA investigator, vote on the outcome.

The Review Commission may find as follows: sustained, not sustained, exonerated, or unfounded. If a majority of the commissioners vote to sustain a complaint they must also agree on a recommendation for discipline. The commissioners may also determine that further investigation is needed either by IA or an independent investigator. The IA and Commission findings are forwarded to the Chief along with the Commission's disciplinary recommendations if the complaint is sustained. The Chief has the final word on both disposition and discipline, if any.

Appendix 2 describes 11 review and appellate models in detail. Review and appellate models have the strengths of opening internal police investigations to scrutiny by outsiders and often providing for participation by multiple community members on a board, thereby allowing various groups in the community to perceive that their perspectives are represented. Such models are quite limited, however, in the scope of their powers. They rarely are authorized to do more than find that a specific case was not competently or fairly handled and to request that the identified problem be corrected. Rarely do review and appellate models have the power to make policy recommendations or to address problems other than those found within the specific investigatory file they are reviewing.



## B. Investigative and Quality Assurance Models

As noted above, review and appellate models have no independent power to investigate a citizen's complaint. All the investigative work is done inside the police department, usually by Internal Affairs. Some police reformers argue that internal investigations of citizens' complaints are inherently biased and that the power of the police to investigate and discipline their own should be displaced either entirely by an independent, outside body, or partially, by giving outsiders significant power over the conduct of internal investigations.

Those who advocate for such displacement argue that unregulated self-policing will necessarily and unavoidably produce a biased result; that even reasonable, honest, and well-intentioned police investigators simply cannot overcome the pressures from all sides that come to bear on internal investigations. Such pressure may come from superiors within the police organization who do not want an embarrassing incident publicly exposed, or who fear that the credibility and authority of the police will be undermined if a citizen's complaint is upheld. Pressure may come from the police union, which may be inclined to vigorously defend even bad officers. A mayor or city council may not want to hear bad news about the police department, and may encourage suppression of it. Finally, fellow officers may not want to see one of their peers scrutinized.

An officer-involved shooting provides a good example of what can happen when Internal Affairs or Homicide investigators give in to those pressures. While police

officers may lawfully use deadly force, a determination should be made in each instance whether such use was within policy and was tactically appropriate. When the police investigate a fellow officer who has been involved in a shooting, bias may be shown in many ways. For example, the investigation may be half-hearted in terms of the witnesses interviewed or the subjects investigated. Interviews of the officer may be tainted, for example, by “softball” questions. More troubling still, investigators, may use leading questions that signal to the officer what he is supposed to say to get off the hook: “You were in fear for your life, weren’t you?” or “You thought your partner was about to be shot, correct?” or “You saw the suspect reach for his waistband and withdraw a black, shiny object you thought was a gun, right?”

Those who believe internal investigations are inherently untrustworthy point out that a natural, predictable, human impulse is involved; even in the absence of external pressures, few police officers can examine an officer-involved shooting without saying at some level, “There but for the grace of God go I.” The trauma of having to kill another person, though faced by few police officers, is, nonetheless, so great that for most police officers, it is difficult for one police officer to question another’s decision that he had to do so. Who is to say that, if faced with the same situation, the investigator would not have pulled the trigger? Complicating the issue is what some observers say is a tendency of police officers to close ranks when faced with an investigation, creating what has been called the “blue wall of silence,” where intimidation is used to enforce a code of silence among all officers.

As a result, some police reform advocates conclude that police organizations are hopelessly insular, endlessly self-referential, and mistrustful of outsiders. Accordingly, these reformers argue, the power of law enforcement to investigate and self-police must be taken away, in whole or in part, and given to an outside entity. In some instances, the outside entity is a civilian board. In others, it is a group of lawyers and investigators. In other cases, it is an individual. An example of each is described.

The County of Hawaii Police Commission is a particularly powerful civilian board, with authority to hire and fire the Chief of Police. The Police Department of the County of Hawaii (the Big Island) has 369 sworn officers serving a population of approximately 160,000. The annual budget for the Commission is approximately \$100,000. The Commission consists of one Commissioner for each of the nine council districts in Hawaii County. Commissioners are appointed by the Mayor and confirmed by the County Council. The Commission reviews the annual budget prepared by the Chief of Police and makes budgetary recommendations to the Mayor. The Commission does not have subpoena power.

The Commission conducts an initial investigation of a citizen's complaint. It reviews all police reports relating to the incident; interviews the subject officer and complainant; and can issue findings based on this initial investigation. Initial investigative sessions are open to the public, although the subject officer can request a closed session. The Commission may refer the complaint to a private investigator working under the direction of the Commission or the Police Department for a full investigation. The Commission may investigate other instances of misconduct, other

than the original allegations, discovered in the investigation of a complaint. The findings of the Commission are not binding on the Chief of Police, who holds final disciplinary authority.

The Office of Citizen Complaints (OCC) in San Francisco is an example where investigatory power regarding complaints by civilians (and some police-initiated complaints) is taken away from the Police Department entirely. San Francisco has a population just under 800,000 and a Police Department with 2,200 sworn members. The staff of the OCC consists of a director, chief investigator, three senior investigators, 16 line investigators, two attorneys, a policy specialist, and eight administrative positions.

The OCC reports to a Police Commission comprised of five members appointed by the Mayor and confirmed by the Board of Supervisors. The Commission appoints the Director of the OCC with approval by the Mayor and Board of Supervisors. The Director can be removed by the Commission. The Commission is the principal disciplinary authority for the SFPD in all cases where discipline exceeds ten days. The Chief retains the authority to impose discipline for less than ten days. The OCC issues special policy recommendation reports and has subpoena power.

The OCC has exclusive jurisdiction over civilian-initiated complaints of misconduct. Once a complaint has been filed with the OCC, an investigator interviews the complainant, officers, and witnesses, and reviews reports and other evidence. Department policy requires that officers cooperate with OCC investigations. A team of

OCC supervisors reviews all completed OCC investigations for accuracy and compliance with Police Commission standards. The investigator sends a preliminary disposition letter to the complainant and the involved officer, which informs both of their right to meet with the investigator to review the investigative process. The OCC then formulates its preliminary findings which, if the allegations are found to be sustained, are then presented at a disciplinary hearing.

The most serious disciplinary cases are heard by the Police Commission. Less serious cases are heard in a Chief's Hearing. Police Commission hearings are formal administrative hearings at which an OCC trial attorney prosecutes and a union or private attorney defends. The purpose of the administrative hearing is to review the OCC findings, find the facts, and to impose discipline for sustained allegations.

In cases that do not result in an administrative hearing, the OCC's findings are initially reviewed by a special unit within the SFPD. If that unit disagrees with the findings and no consensus between it and the OCC is reached, a sustained finding remains in the officer's file; however, no discipline is imposed. The OCC's findings cannot be overturned by the Department.

The OCC regularly reports to the Police Department when a given police officer generates three or more citizen complaints in any six-month period or generates four or more complaints within a year.

Seattle has a different kind of investigative and quality assurance system. Seattle has a population of approximately 560,000 and the Police Department has 1,240 sworn officers. In contrast to jurisdictions that outsource the investigations of citizen complaints to an entity like San Francisco's OCC, Seattle has chosen to bring a civilian lawyer from outside the Department to head the Internal Affairs unit, called the Office of Professional Accountability (OPA), with the title of Director. A captain, a lieutenant, and six sergeants report to the Director. In turn, the Director reports directly to the Chief of Police.

The civilian OPA Director is appointed by the Mayor and confirmed by the City Council. The OPA Director reports to the Mayor and City Council about OPA and Department activities, policies, and procedures.

Upon receipt of complaints, made either directly to OPA or through City Hall, the Director classifies the complaints into four categories. The more serious complaints are investigated by the sergeants assigned to OPA. Completed investigations are forwarded to the Director who may agree with the findings, direct further investigation, or recommend different findings. Except in the case of sustained complaints, the decision of the Director is final. Sustained complaints go to the Chief of Police for final decision and the imposition of discipline, if warranted.

In summary, we have examined three different investigative and quality assurance models of police oversight whose design flows from the premise that unregulated internal

police investigations of citizen complaints are often biased or otherwise not trustworthy. Accordingly, these models attempt to displace, in whole or in part, internal police investigations. Some, like San Francisco, entirely remove investigatory and disciplinary powers from the Police Department for large categories of complaints and place them in the San Francisco Police Commission and the OCC. Others, like the Hawaii Police Commission, have shared responsibility for investigations with Internal Affairs. In the case of Seattle, the Internal Affairs unit continues to investigate but is under the direction and supervision of an externally appointed lawyer.

What unites each of these models is that their core responsibility is to assure the quality and integrity of individual investigations of citizen complaints. Appendix 3 to this report describes in detail 13 investigative and quality assurance models. A principal strength of these models is that they should achieve complete, fair, and analytical investigations of the allegations and facts relating to a complaint of police misconduct. The model often involves a multi-member board, thus allowing various groups in the community to perceive that their perspectives are represented in the oversight process. On the other hand, investigative and quality assurance models more often than not are restricted to oversight only of specific cases where complaints have been filed. Even where such bodies have the power to address policy issues, they typically underutilize this power, in part because their resources are more geared to investigating specific cases than researching and writing about broader policy issues.

This report turns next to an oversight model that does not concentrate on the resolution of individual citizen complaints but rather is geared to identifying patterns and practices of police misconduct and systemic failures to deal with them.

### C. Evaluative and Performance-Based Models

Some police reformers have taken the position that systemic failures will not be identified and solved when one proceeds on a case-by-case basis. Until systemic problems of police culture and procedure are solved, they argue, police departments will continue to produce flawed and biased investigations. They further argue that the displacement of investigatory authority lets the police department off the hook and does little to inculcate internal accountability.

These reform advocates argue that the power to adjudicate wrongdoing and impose discipline belongs, at least presumptively, to the law enforcement agency in question. Without responsibility to adjudicate wrongdoing and impose discipline, these reformers argue, senior executives in the law enforcement agency cannot be held accountable for dealing with police misconduct, and will simply blame the outside oversight body for its decisions. They maintain that unless the police are held strictly accountable up and down the chain of command for actively managing the risk of police misconduct, the self-protective habits of the police will never change. It is one thing to achieve a fair result in a given investigation; it is far more powerful, these reformers contend, to change police culture in general by requiring strict accountability.



A police department's power to investigate internal misconduct is not an inalienable right. Rather, it is a privilege that comes with heavy obligations to demonstrate, in any individual case or in general, that, the results reached by self-policing are fair, reasonable, and based on thorough and dispassionate investigation. If that burden cannot be met, then the privilege is no longer merited, and should be taken away; or, at least, the power to investigate must be shared with civilian overseers.

There is increasingly broad agreement that whether or not the police retain the power to investigate themselves, law enforcement's business, in general, is the public's business, and therefore must be open and transparent. The privilege of the police to self-regulate comes with an obligation to open fully the agency's records to responsible public representatives. If this obligation is not met, the privilege is no longer merited.

Los Angeles County uses an evaluative performance-based model. The Los Angeles County Sheriff's Department serves a population of 3 million with approximately 9,000 sworn officers. Roughly half of the sworn officers work in the Los Angeles County jails while the other half patrols unincorporated County territory and cities that contract with the Sheriff's Department for police services.

Los Angeles County has created three oversight mechanisms for the Sheriff's Department: the Office of the Ombudsman, the Office of Independent Review, and Special Counsel to the County Board of Supervisors. We focus here on the latter oversight model created in 1992.

Special Counsel is appointed by the Board of Supervisors and, in essence, serves at the pleasure of the Board. The County has retained Special Counsel in his capacity as a lawyer, allowing confidential communications between Special Counsel and the Board to be protected from disclosure by the attorney-client privilege. Special Counsel is guaranteed unfettered access to all persons, documents, and records that are relevant to his investigations. Special Counsel can request subpoena power from the Board if needed.<sup>2</sup>

Special Counsel reports to the Board and issues public reports concerning the progress of the Sheriff's Department in managing the risk of police misconduct. In the early years, Special Counsel worked with the Sheriff's Department to develop data to serve as a baseline for measuring progress. Thus, Special Counsel had substantial input in the creation of an early warning and tracking system that captures data on officer performance across a broad spectrum, including use of force, shootings, generating litigation, and disciplinary decisions. Systems were also set up to track judgments and settlements against the County due to police misconduct.

Special Counsel looks at the overall integrity and fairness of the disciplinary system and, in the course of such examination, reviews how citizen complaints are investigated and resolved. Unlike police oversight systems that focus solely on the resolution of citizen complaints, Special Counsel reviews and analyzes all manner of internal investigations, including, for example, the Sheriff's Department's internal review

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<sup>2</sup> Special Counsel since 1992 has been Merrick J. Bobb, who is also Senior Counsel and President of PARC.

and appraisal of officer-involved shootings. This model of oversight compares the performance of the Department over time and against other similarly situated law enforcement agencies.

This oversight model is evaluative in the sense that the goal is to look at the Department in its entirety to make judgments over time regarding how well the Department minimizes the risk of police misconduct, identifies and corrects patterns and practices of unconstitutional and illegal behavior, and finds solutions to systemic failures. This oversight model is performance-based because it examines how individual officers perform, how supervisors and executives respond, and how the institution as a whole manages the risk that its employees engage in unconstitutional or illegal behavior.

Appendix 4 describes five other evaluative and performance-based models in detail. A principal strength of evaluative and performance-based models is the ability of the entity exercising the authority – most typically, an auditor – to address systemic issues and to seek to create accountability within the police department for eliminating problems and abuses. As opposed to the other two types of models, auditors are more focused on systemic change than on resolution of specific cases. On the other hand, the auditor is often a policing expert – or will become one – leading many in the community to perceive that their views are not being represented in the oversight process. This perception may be exacerbated by the fact that an auditor is typically not required to consult with the community (though public reports usually are required), while an auditor must work closely with police officials. Moreover, an auditor does not bring the same

broad community involvement to the process as a multi-member board does, leading some to perceive that the oversight is not sufficiently connected to community interests and concerns.

This report now discusses how Eugene might go about constructing a police oversight system best matched to the city's needs.

#### IV. Making the Decision

##### A. Which Model Works Best?

In considering the best model for Eugene, one must first try to identify with some precision what has gone awry in police-community relations in Eugene to give rise to a call for increased police oversight. In some communities, the call for oversight comes from political leaders who find the city is paying alarming amounts of taxpayer money in judgments and settlements of police misconduct litigation. Elsewhere, there is a generalized suspicion that the police are covering up misconduct or failing to take citizen complaints seriously or investigate them thoroughly. In other communities, there is an officer-involved shooting, or a series of shootings, often involving persons of color as victims, that triggers a campaign to make the police more accountable. In other instances, there might be a disturbing use of force or other misconduct caught on videotape where some members of the public believe that the police will not thoroughly investigate the event and impose appropriate discipline. Finally, there are instances where Sir Robert Peel's nine principles have been forgotten, and the bonds of trust between some members

of the community and the police have eroded so completely that parts or all of the community ceases to cooperate with the police and its crime-fighting efforts.

In the latter instance, there is usually a long history of mistrust. It will not be enough simply to bring greater integrity to the process of resolving citizen complaints. Restoration of trust will require wider reform, a profound cultural change over a great deal of time, and an individual serving as auditor who is respected and trusted by the police and the community as a whole. The auditor's task is evaluative. He puts his own credibility on the line, and his analysis of progress (or lack of same) must be irrefutable and convincing. In such seriously broken communities, the evaluative performance-based model works best.

At the opposite end of the spectrum, in minimally damaged communities, where the relationship between aggrieved communities and the police is strained but not at the breaking point, it may be adequate to use a review and appellate model. The interposing of credible individuals to vouch for the integrity of individual investigations by the police may be all that is needed to restore trust. The right balance can be achieved without stripping the police department of its power to investigate citizen complaints.

Then, of course, there are the intermediate cases where the bonds of trust have been substantially eroded but a modicum of good will remains. In such instances, the better choice may be to put the job of investigating citizen complaints in the hands of

credible third parties whose investigations are seen by all as fair and thorough. The investigative quality assurance model is the right one for those communities.

Finally, some communities – Portland and Los Angeles County, for example – determine that their needs are best met by combining an evaluative, performance-based model with a review and appellate model. Seattle has opted for combining all three types of models. As is illustrated by close examination of the models listed in Appendices 2 through 4, virtually no community exactly replicates the model used by another jurisdiction. Each community evaluates its particular needs and devises a system that it perceives will meet those needs.

#### B. Who Chooses?

Once a police oversight model, or a combination of models, is chosen, the next important question is who will appoint the auditor, the review board, or the investigatory authority. With auditors, the appointment is usually by the executive branch, the mayor or city manager. It may require in addition the formal consent of the legislative branch, the City Council. A wise mayor or city manager will informally obtain the assent of the Chief of Police and the police union, if possible. Likewise, an astute mayor or city manager will consult at length with constructive representatives of the aggrieved communities. Optimally, the individual selected to serve as auditor should be a consensus choice, but no interested party or stakeholder should have a veto over the appointment.

In the case of a review board, the appointing authority can be single or multiple. As demonstrated in Appendices 2 and 3, there is wide variation in how jurisdictions go about selecting the members of a review board. Sometimes it is the executive branch alone which has the appointment power. Sometimes the executive branch shares the power with the legislative branch. In other instances, the Chief of Police is empowered to appoint one or more members of the review board. A citizen review board functions best when all its members are perceived by the community at large as independent and fair-minded. Such boards function poorly where the individual members each see themselves as representatives of a single point of view, whether it be the point of view of the police or of the aggrieved community members. The more the members of a review board see themselves as holding a broad public trust, the less friction and disagreement there will be, and the less the police will see the board as being out to get them.

The selection process for an investigative model of police oversight also differs substantially from jurisdiction to jurisdiction. Many of the same factors apply here as discussed above with respect to review boards and monitors. Appendix 3 details the appointment process for 13 different jurisdictions. The most important factor, whatever the selection mechanism, is that the investigators be perceived by all stakeholders as thorough, fair, and credible.

Once the selection process is decided, the next questions include:

- Should the members of a review board or investigatory authority or an auditor be appointed for fixed terms or for staggered terms or serve at will?
- Do they have civil-service protection?
- Are they city employees or independent contractors?
- How large a budget does the oversight body have?
- How large is the staff?

### C. What Are the Powers?

Without presuming to raise the full range of questions that should be addressed in defining the powers of an oversight body, we suggest below some of the types of questions that must be carefully considered in determining the scope and power of the oversight body selected.

Under a review and appellate model, the board generally has access only to the completed investigatory file prepared by Internal Affairs. The board may or may not have access to the tapes, transcripts, investigator's notes, witness statements, and other documents prepared during the course of the investigation. The board may or may not have the power to compel the subject officer to tell his story in person to the review board. If a review and appellate model is chosen, the scope of the board's access and powers must be clearly delineated. It must be decided whether the board can order Internal Affairs to perform additional investigation, to re-interview witnesses, or to interview additional witnesses. It must be decided whether the board can override the



Chief of Police's findings or may only recommend a different result to the Chief. What role, if any, the review board plays in the disciplinary process also needs to be decided – can the review board recommend specific discipline? Or is the disciplinary decision solely that of the Chief of Police?

Under investigative quality control models, the key question is the distribution of power between the police department and the investigatory authority. Is the police department stripped entirely of the power to investigate, or should there be parallel investigations by Internal Affairs and the investigatory authority? Should the investigatory authority have subpoena power? Can it compel an officer to testify? Are its hearings and investigations open to the public or closed? Can the Chief of Police overrule the findings of the investigatory authority? If so, must the Chief of Police justify a decision to overrule in writing? Does the Chief of Police retain the exclusive power to mete out discipline? May the investigatory authority make a recommendation about discipline? To whom may decisions of the investigatory authority be appealed? Should there be a mechanism for resolving cases where the Chief of Police and the investigatory authority disagree?

An auditor in an evaluative performance-based model generally must be guaranteed opened and unfettered access to the police department and its books, records, and personnel. It must be decided if an auditor should be a lawyer and, if so, are communications between the auditor and the appointing authority privileged and confidential? Is the auditor immune from subpoenas for documents or testimony? It

must be decided whether the auditor's reports are to be made public or not. It needs to be decided whether the auditor must restrict investigations to certain predetermined areas or has carte blanche to investigate wherever he or she chooses.

## V. Conclusion

This report has provided a thumbnail history of policing and police oversight and has described the wide variety of police oversight models currently in use in the United States in order to put the decision faced by the city of Eugene in a wider context. The appendices describe in detail how each model differs from the other. Finally, this report has identified the key analyses Eugene would be well-advised to conduct as it contemplates its own model for strengthened police oversight.

Sir Robert Peel's nine principles emphasize that the police must enjoy the support and cooperation of all the communities they serve and protect. Intelligent oversight comes into play in maintaining or reestablishing that bond when it has become strained or broken.

One must carefully examine the causes of distrust between various communities and the police, and the oversight mechanism selected must be tailored to those specific causes. In some cases, more than one oversight mechanism may be appropriate: for example, a mechanism that includes investigatory authority to assure the quality and integrity of investigations and an auditor to evaluate overall progress, detect chronic

patterns and practices of police misconduct, and identify systemic failures and how to remedy them.

No matter what oversight mechanism or combination of mechanisms is chosen, the key attributes of those providing oversight must be credibility, integrity, fairness, pragmatism, openness, and good judgment. Much like judges in a court of law, those providing police oversight must maintain a reputation for scrupulous fairness and reasoned judgment. Their decisions must persuade persons with very different perspectives. What the formulating and appointing authorities should strive to achieve is that at the end of the day both the community firebrand and the staunchest member of the police union will be able to agree, even if they cannot agree on anything else, that the decisions of the oversight body are fair and made in good faith.

# **Review of National Police Oversight Models**

For

The Eugene Police Commission

## **Appendices**

### **Police Assessment Resource Center**

520 South Grand Ave., Suite 1070

Los Angeles, CA 90071

(213) 623-5757

[www.parc.info](http://www.parc.info)

**February 2005**

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## **Glossary of Terms**

## **Appendix 1**

## Glossary of Terms

**Auditor** – an individual, independent of the police department, with the authority to review and evaluate police processes. Some auditors’ powers are limited to reviewing completed internal investigations and the internal investigation process, while others’ authority extends to all police policies and practices.

**Civilian Review Board** – a board comprised of civilians, generally appointed and approved by the mayor or city council, which may have the authority to independently investigate complaints, issue findings, review completed internal investigations, review and make policy recommendations, or hear appeals from complainants dissatisfied with the result of internal investigations. In the classifications used in this report, civilian review boards are found both in “review and appellate” models and also “investigative and quality assurance” models.

**Complaint** – one or more allegations concerning misconduct by police. In some jurisdictions, complaints must be signed and sworn by a complainant.

**Complainant** – person who files a complaint alleging misconduct by police.

**Exonerated** – investigative finding in which sufficient evidence exists that the acts alleged did occur but did not violate police department policies.

**External Oversight** – an entity outside a police department that reviews department policies and procedures.

**Final Disposition** – a final decision in the complaint process regarding the allegations contained in a complaint. This decision is usually made by the Chief of Police or his or her designee and may or may not involve the imposition of discipline.

**Internal Oversight** – an individual or unit inside a police department responsible for evaluating its processes, often called an Internal Affairs unit.

**Ombudsman** – a government official with the authority to receive and independently investigate complaints. Depending on the jurisdiction, an ombudsman may also be empowered to direct further internal investigation, issue findings on complaints, hear appeals, and review and make policy recommendations.

**Monitor** – an individual or entity with the authority to assess a police department’s compliance with a consent decree or out-of-court settlement.

**Not Sustained** – investigative finding in which insufficient evidence exists to prove or disprove the allegation(s).

**Subpoena power** – the legal authority to compel witnesses either to appear and testify or to produce evidence or documents.

**Substantiated** – investigative finding in which sufficient evidence exists to support the allegation(s).

**Sustained** – investigative finding in which sufficient evidence exists to support the allegation(s).

**Unfounded** – investigative finding in which sufficient credible evidence exists to show that the subject officer did not commit the alleged act of misconduct, the complaint was false, or the incident did not occur as alleged.

**Unsubstantiated** – investigative finding in which insufficient evidence exists to prove or disprove the allegation(s).



## **Review and Appellate Models**

### **Appendix 2**

## **Albany, New York**

Agency: Citizens' Police Review Board

Jurisdiction: Albany Police Department

Population: 95,658

Department Size: 340

Annual Budget: The Board has no independent budget of its own. The City of Albany has appropriated money in its budget to contract with the Government Law Center at the University of Albany Law School to provide the services necessary to staff and operate the Board, including an allocation to pay the Board's independent monitors/investigators.

Staff: 5 part-time staff; one (primary) attorney, the Director of the Government Law Center, two administrative Government Law Center staff, and one law student intern.

Structure: The Citizens' Police Review Board (CPRB) consists of nine members. Board members are appointed by the Mayor and Common Council. Members of the Board serve three-year, staggered terms and cannot serve more than two consecutive terms, but may be considered for reappointment after one year of non-membership. The Common Council has the authority to remove Board members with a two-thirds vote.

Subpoena power: No.

### **Complaint Process**

Intake: Complaints about police misconduct must be in writing using the City of Albany Police Department complaint form and can be filed two ways: with the CPRB which then forwards the complaint to the Department within two working days; or with the Department, which then forwards the complaint to the CPRB within two working days. Complaints must be filed within six months of the date of the incident unless a majority of the Board's members votes to accept a complaint more than six months old.

Informal Resolution: Mediation may be used at any point during the complaint process and can be requested by either the complainant or the officer. Mediation may proceed only upon agreement of the officer with approval of the Department. Mediation suspends investigation of a complaint. If a resolution is reached, the CPRB renders a finding of "mediated" and the allegations are deleted from the officer's CPRB history. If a resolution is not reached, the complaint continues through the complaint review process until conclusion.

Formal Investigation: Within the Police Department, the Professional Standards unit investigates each complaint. The Chief provides the Board with quarterly updates on investigations. If the complaint alleges excessive force or a violation of civil rights, the Board observes and monitors the investigation and critically analyzes the investigation process.

The investigation should be concluded within 60 days of receiving the complaint. If not, Professional Standards updates the Board every 30 days until the conclusion of the investigation. Within ten working days of the conclusion of its investigation, Professional Standards submits a preliminary report of the Department's findings to the CPRB. The Board may then make its finding, request further investigation, request further case specific information, including written materials, audio or video tapes, and related documents, or refer the complaint to mediation. On complaints of excessive force or civil rights violations, the Board, if dissatisfied with the additional investigative effort and quality of review by the Chief or Mayor, may seek authorization from the Council, for an investigation by an outside investigator. The independent investigator is chosen from a panel of investigators recommended by the Government Law Center and approved by the Common Council and the Mayor.

Findings: The Board may make one of the following findings on the case: sustained, not sustained, exonerated, unfounded, ineffective policy or training, no finding, or mediated. After the review process, the CPRB notifies the Chief, the officer and the complainant of its findings. The Chief makes the final determination and disciplinary disposition and notifies all involved parties. If the Chief's findings and discipline are inconsistent with the CPRB findings, the CPRB may request a written explanation of the Department's final disposition.

Appeals: No appeals process is provided for.

Agency History: Created in 2000.

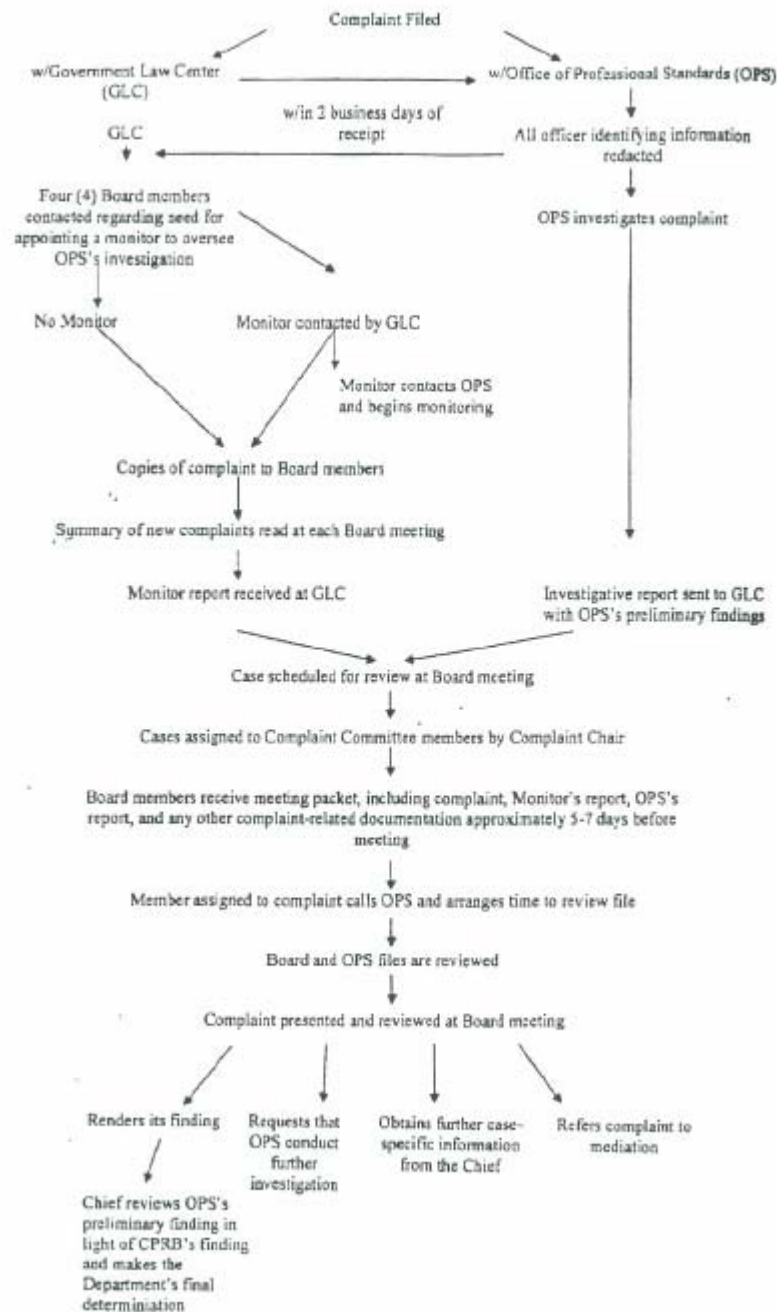
Working Relationship with police department, city officials, community members, etc.: According to a Board staff member, since its establishment in 2000, the Board has enjoyed a very good working relationship with the Department, and a good, though sometimes strained, working relationship with the union. Members of the Department attend CPRB monthly meetings, and the Board regularly meets with members of the Department. One hot button issue is mediation. The union is concerned about the protection of officer rights under the current mediation program, and has advised its officers not to participate until the union's concerns are addressed.

The Board staff member also indicated that the Board has enjoyed a very good working relationship with City officials, community members, and community organizations. The Board regularly meets with the Mayor and/or Deputy Mayor. Several community groups regularly attend the Board's monthly meetings, and these groups are actively involved in supporting the Board's policy review and recommendation efforts.

Additional Information: The Board holds regular monthly public meetings and issues quarterly and annual reports.

Contact Information: Citizens' Police Review Board  
c/o Government Law Center  
Albany Law School  
80 New Scotland Avenue  
Albany, NY 12208  
P: (518) 445-2329  
F: (518) 445-2303  
Web: [www2.als.edu/glc/cprb/](http://www2.als.edu/glc/cprb/)

## Albany Citizens' Police Review Board Complaint Process



Source: Albany Citizens' Police Review Board

## **Charlotte, North Carolina**

Agency: Citizens Review Board

Jurisdiction: Charlotte-Mecklenburg Police Department

Population: 540,828

Department Size: 1,363

Annual Budget: \$3,500

Staff: 3 – City Clerk, Administrative Assistant to the City Clerk, and the Boards and Commissions Clerk. The staff members are part-time as their primary duties involve other aspects of the City Clerk's Office.

Structure: The Board reviews appeals of dispositions imposed by the Chief. The Board may hear appeals of alleged violations of the following rules: use of force, unbecoming conduct, and arrest, search and seizure. In addition, any firearms discharge by an officer which results in the death or injury of a person may be appealed to the Board. The Board is made up of 11 members. Five members are appointed by the City Council, three are appointed by the Mayor, and three are appointed by the City Manager. Members serve three-year terms and cannot serve more than two consecutive terms.

Subpoena power: No.

Events/conditions precipitating creation of oversight mechanism: The Citizens Review Board was formed in 1997 after several officer-involved shootings during a several-year period. Citizens in Charlotte wanted more access and input into the internal review of police officers relating to police conduct generally.

Appeals: Complainants must file an appeal with the Clerk's Office within seven days of receiving written notification from the Department of its findings regarding a complaint. The Board then reviews the case summary within 14 days. The Board can dismiss the appeal or hold a due process hearing within 30 days. After the hearing, the Board sends findings of fact and recommendations for discipline to the Chief and City Manager.

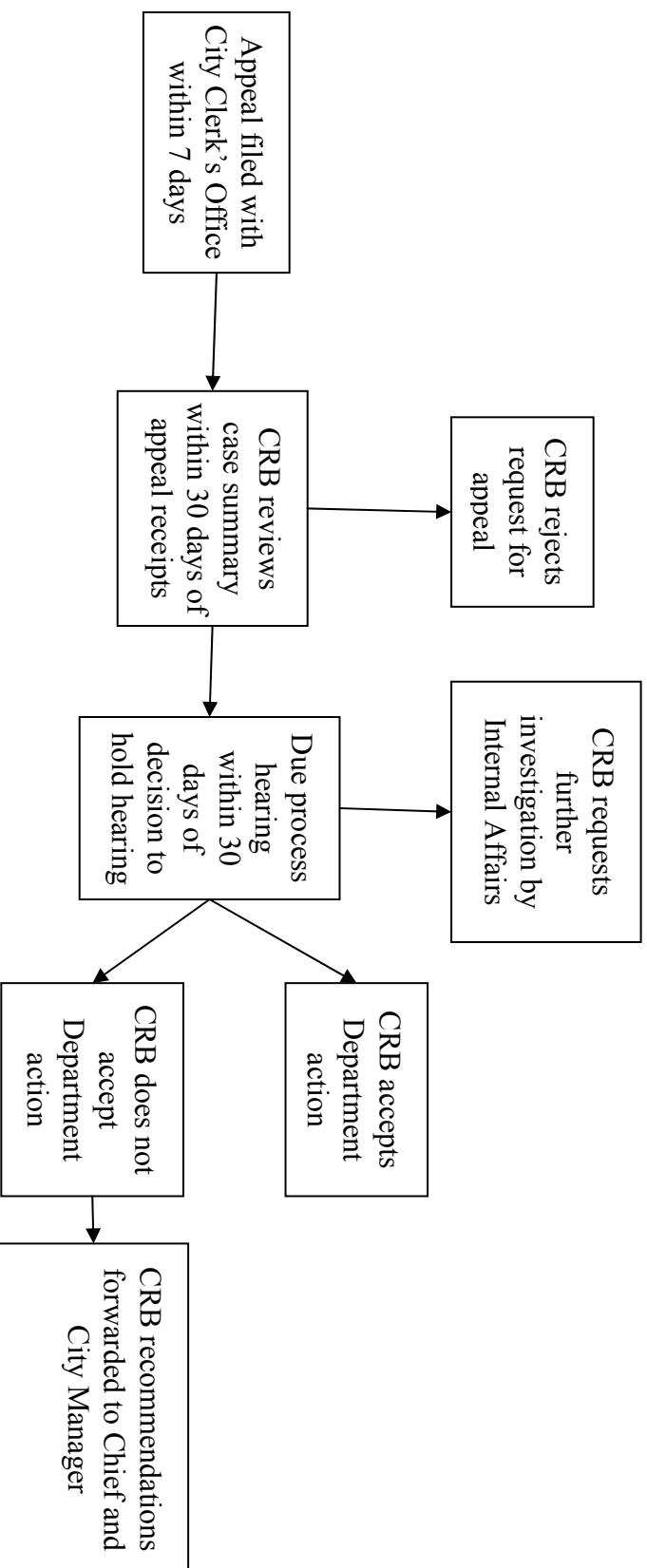
Oversight/IA Interaction: As the Review Board only hears appeals of dispositions, the only interaction with IA is on a formal basis similar to the functioning of a courtroom.

Agency History: The Board was created in 1997 and has not changed since its inception.

Working Relationship with police department, city officials, community members, etc.: The Board has a good working relationship with IA, the Department, and the City Attorney's office.

Contact Information: Office of the City Clerk  
600 East Fourth Street  
Charlotte, NC 28202  
P: (704) 336-7493  
F: (704) 336-7588

## Charlotte Citizens Review Board (CRB) Appeals Process



## **Dayton, Ohio**

Agency: Dayton Citizens Appeal Board

Jurisdiction: Dayton Police Department

Population: 166,179

Department Size: 558

Staff: 1 Internal Affairs Commander and 2 legal staff

Structure: The Board consists of five voting members and two non-voting ex officio members. The Chief of Police and one assistant City Manager are non-voting members of the Board and one staff member of the Board is the Internal Affairs Bureau Commander. Board members are appointed by the City Manager. Members must be residents of the City. Members serve two-year terms and may not serve more than three consecutive terms. The Board reports to the City Manager.

Subpoena power: Yes.

### **Complaint Process**

Appeals: Appeals of complaints must be filed in writing within 30 calendar days of notification of the Department's findings regarding the original complaint. Appeals may be taken over the phone; however, the complaint must be signed by the appellant before it is reviewed by the Board.

Hearings: Board hearings are public. Prior to the hearing, the Board conducts an executive session. During the executive session, the Board reviews the Department's investigation of a complaint with a legal advisor hired by the City and a representative of Internal Affairs. During the public hearing, Board members hear testimony and question witnesses. After the hearing, the Board may request further investigation by Internal Affairs or issue findings which are forwarded to the City Manager. A summary of the findings is forwarded to the City newspaper, "The Dayton Update."

Findings: Findings are as follows: unfounded, exonerated, not sustained, sustained, no finding, and mediated.

Other Functions: The Board files a public annual report with the City Manager.

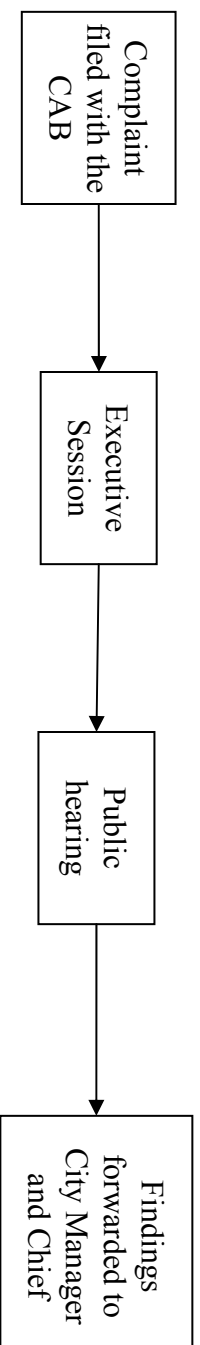
Oversight/IA Interaction: The Board has little interaction with the Dayton-Montgomery County Ombudsman, another layer of oversight for the Dayton Police Department. The Board also does not have much interaction with the Internal Affairs Bureau as complaints are filed after completed IA investigations.

Agency History: The Citizens Appeal Board was created by ordinance in 1990.



Contact Information: City of Dayton  
Department of Human Resources  
101 W. Third Street  
P.O. Box 22  
Dayton, OH 45401  
P: (937) 333-4062  
F: (937) 333-4293

## Dayton Citizens Appeal Board (CAB) Complaint Process



## **Knoxville, Tennessee**

Agency: Police Advisory and Review Committee

Jurisdiction: Knoxville Police Department

Population: 173,890

Department Size: 414

Annual Budget: \$73,000 (expenditures 2001)

Staff: Executive Director who may hire additional staff as funded

Structure: The Committee is composed of seven volunteer members. Members must be qualified to vote in Knox County. Members of the Committee are appointed by the Mayor and confirmed by Council. Committee members serve three-year terms and cannot serve more than two consecutive terms. The Committee is served by an Executive Director (ED). The ED is designated by the Mayor and approved by the City Council. Once confirmed by the City Council, the ED becomes a non-exempt employee of the Department of Community Relations of the City of Knoxville. The Committee has the authority to make policy recommendations to the Chief. The Committee does not have the ability to direct the Chief to impose or change a disciplinary disposition.

Subpoena power: Yes, and the Committee can compel witnesses to appear before Internal Affairs or the Executive Director and, if necessary, provide statements during the course of an investigation.

### **Complaint Process**

Intake: Complaints can be filed by telephone, mail, or in person with the ED. The ED must forward complaints to the commander of the Internal Affairs Unit within three working days. The ED may accept non-sworn or anonymous complaints. The ED can attempt to informally resolve non-sworn or anonymous complaints or refer them to Internal Affairs for investigation. Complaints can also be filed with Internal Affairs.

Informal Resolution: Mediation is encouraged.

Formal Investigation: The ED does not have primary investigative authority. When the ED is notified by Internal Affairs that an investigation has been closed, the ED reviews the closed case file and determines if the investigation was complete. The ED reports her findings to the Committee at the Committee's next regularly scheduled meeting. After a finding by the ED that an investigation was incomplete, the Committee, by a majority vote, refers the case to the Chief for further investigation, or, if the Chief fails to conduct further investigation, requests that the ED conduct an investigation.

Findings: The ED determines if an internal investigation was thorough, complete, and fair. After any additional investigation by the Chief or ED, the Committee reports its findings and conclusions to the Chief, the Mayor, and City Council.

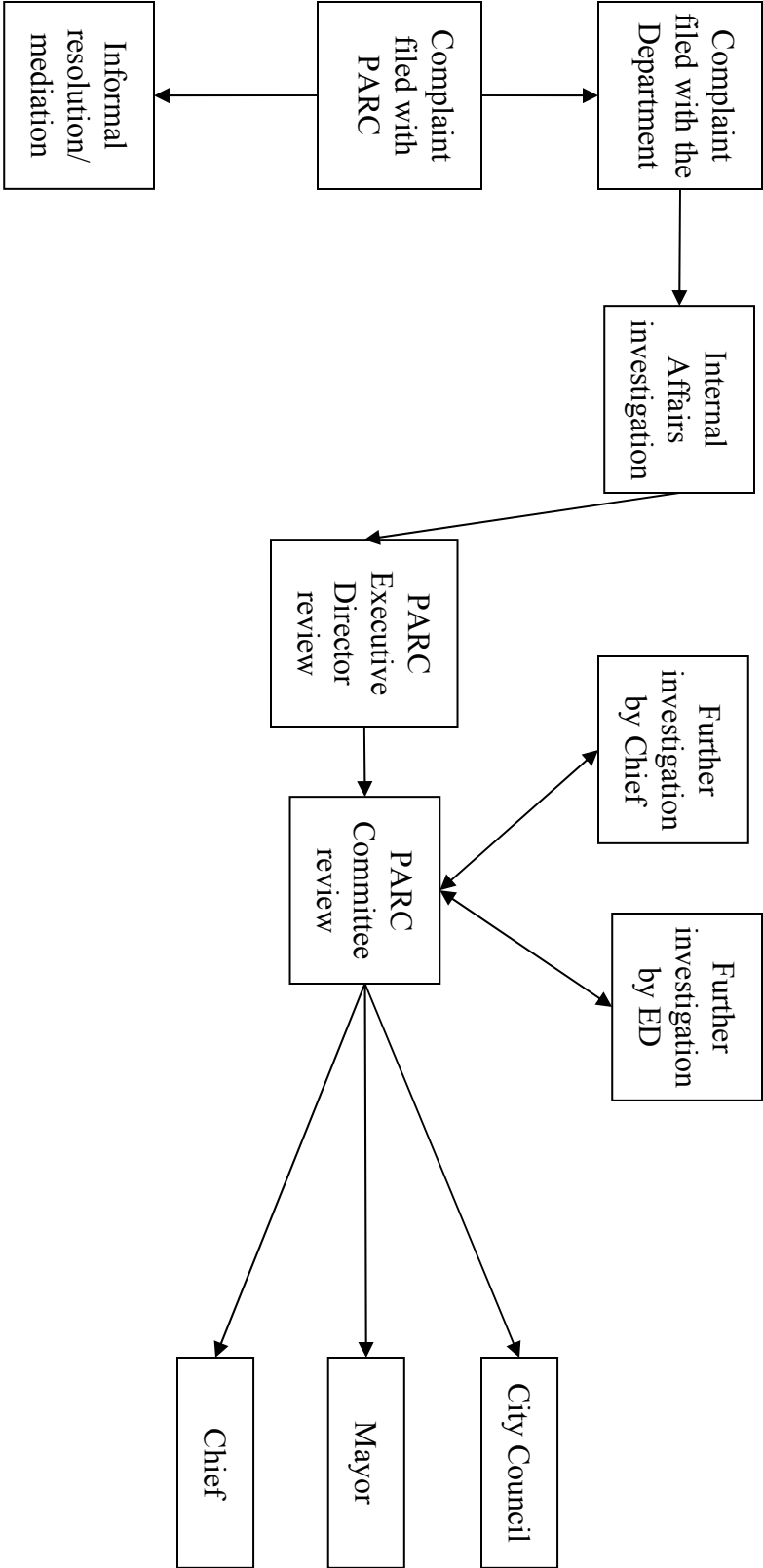
Other Functions: The Committee can make policy recommendations to the Chief. The Committee issues an annual report and this report is included in the ED's annual report to the Chief, the Mayor, and the City Council.

Agency History: The Police Advisory and Review Committee was created by the Mayor in 1998 and adopted by city ordinance in 2001.

Working Relationship with police department, city officials, community members, etc.: According to the Committee's Executive Director, the Committee has an excellent relationship with the Department, the Mayor, and the community. The relationship has been strengthened over the years by support from elected officials and various Chiefs.

Contact Information: Police Advisory and Review Committee  
400 Main Street  
Suite 538  
Knoxville, TN 37902  
P: (865) 215-3869  
F: (865) 215-2211  
Web: [www.ci.knoxville.tn.us/boards/parc](http://www.ci.knoxville.tn.us/boards/parc)

**Knoxville Police Advisory and Review Committee (PARC) Complaint Process**



## **Los Angeles County, California**

Agency: Office of Independent Review

Jurisdiction: Los Angeles County Sheriff's Department

Population: 10,103,000

Department Size: 8,500

Annual Budget: \$1,200,000

Staff: 6 full-time attorneys; 3 support staff

Structure: The Office of Independent Review, together with the Office of the Ombudsman and Special Counsel to the County Board of Supervisors, is one of three levels of oversight for the Los Angeles County Sheriff's Department. With full access to files, interviews, and all stages of the process, OIR monitors the internal investigations conducted by LASD and makes recommendations of how those investigations should proceed, if such recommendations are warranted. OIR makes recommendations to the Department regarding the dispositions of internal investigations and, when founded, the level of discipline to be imposed. OIR, which operates out of the building that houses LASD's internal investigators, also makes recommendations for improvements in broader policies, practices, and procedures.

Subpoena power: No.

Events/conditions precipitating creation of oversight mechanism: Sheriff Baca, seeing the value of ongoing oversight, provided the principal impetus for the creation of OIR.

### **Complaint Process**

OIR audits ongoing and completed IA investigations and may recommend discipline. It does not process civilian complaints.

Oversight/IA Interaction: The Office of Independent Review has a close working relationship with LASD's Office of Internal Affairs and Office of Internal Criminal Investigations and is able to participate in ongoing investigations as desired.

Agency History: OIR was created by the Los Angeles County Board of Supervisors in 2001 at the request of the Sheriff and with input from Special Counsel.

Working Relationship with police department, city officials, community members, etc.: According to OIR, it has an excellent close working relationship with the leadership of the Sheriff's Department, in particular the leadership of the internal investigatory units. The Sheriff's role in the creation of OIR is a major factor in the close relationship. OIR seeks to keep a low profile and to avoid conflicts with the union. OIR also maintains an effective working relationship with the LA County Board of Supervisors.

Additional Information: OIR attributes its effectiveness to real-time monitoring of internal investigations and the internal decision-making process with regard to

disciplinary decisions. Through its public reports on systems and individual cases, OIR has provided transparency to the internal working of the Sheriff's Department.

Contact Information: Office of Independent Review  
4900 South Eastern Avenue  
Suite 204  
Commerce, CA 90040  
P: (323) 890-5360  
F: (323) 415-7549  
Web: [www.laoir.com](http://www.laoir.com)

## **Los Angeles County, California**

Agency: Office of the Ombudsman

Jurisdiction: Los Angeles County Sheriff's Department and any other department responsible to the Los Angeles County Board of Supervisors

Population: 10,103,000

Department Size: 8,500

Annual Budget: \$780,000

Staff: 8 full-time, 1 part-time (5 full-time employees review citizen complaints)

Structure: The Los Angeles County Office of Ombudsman, together with the Office of Independent Review and Special Counsel to the County Board of Supervisors, is one of three levels of oversight over the Los Angeles County Sheriff's Department. The Ombudsman's office only reviews service and personnel complaints not sustained by LASD's internal investigations. The Ombudsman is appointed by the Sheriff and the Los Angeles County Board of Supervisors.

Subpoena power: No.

Events/conditions precipitating creation of oversight mechanism:

In 1991 several highly publicized acts of excessive force and ongoing large payouts of judgments and settlements by the County led to a blue ribbon investigation of the LASD headed by retired Superior Court Judge James G. Kolts. Among the recommendations of the Kolts Report that sought to minimize the use of injurious force and to reduce the associated financial liability to County taxpayers was the establishment of an ombudsman function within the County. The office began operations in 1994.

### **Complaint Process**

Intake: The Ombudsman reviews unfounded or unresolved citizen service or personnel complaints against LASD members. Service and personnel complaints are complaints of a less serious nature. When a complainant is dissatisfied with a finding of not sustained or unfounded or believes the investigation was incomplete, the complainant may contact the Ombudsman. Inquiries with the Ombudsman can be filed in person at the Office of Ombudsman, by telephone, e-mail, or facsimile. Unresolved complaints are monitored until they have been closed.

Informal Resolution: Inquiries made with the Ombudsman may be settled informally and will not be referred for further action or review. The Ombudsman offers mediation.

Formal Investigation: The Ombudsman reviews LASD internal investigations and does not have independent investigative authority. The Ombudsman cannot initiate or conduct interviews and cannot interview witnesses. He also cannot review criminal investigations.

Findings: The Ombudsman may find that the internal investigation is sufficient and the findings are appropriate or that the investigation is deficient and may refer the complaint



to the LASD for further review or investigation. LASD makes the final determination concerning whether to pursue further review or investigation.

Appeals: The Office of Ombudsman is the appeals process.

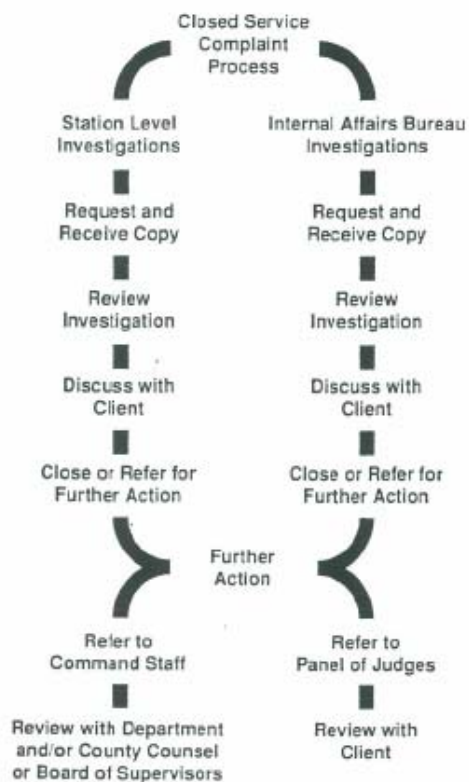
Other Functions: The Ombudsman offers mediation services, information, and assists citizens in filing complaints.

Contact Information: Department of Ombudsman  
510 S. Vermont Avenue  
Suite 215  
Los Angeles, CA 90020  
P: (213) 738-2003  
F: (213) 637-8662  
E: [ombudla@bos.co.la.ca.us](mailto:ombudla@bos.co.la.ca.us)  
Web: <http://ombudsman.lacounty.info/>

# Los Angeles County Department of Ombudsman Complaint Process

## Inquiry Management Work Flow Charts

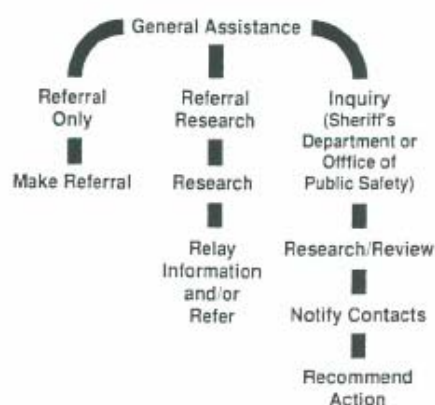
### Closed Service Complaint Review



### Open Service Complaint Process



### General Assistance



Source: Los Angeles County Department of Ombudsman

## **New Haven, Connecticut**

Agency: Civilian Review Board

Jurisdiction: New Haven Department of Police Services

Population: 119,491

Department Size: 469

Annual Budget: no stand-alone budget (funded through Chief Administrator's Office)

Staff: 1 full-time coordinator

**Structure:** The Civilian Review Board consists of 16 members: two appointed by the Mayor, one appointed by the President of the Board of Aldermen, one appointed by the Chair of the Board of Police Commissioners, and one appointed by each of the 12 Community Management Teams. Review Board members, who must be residents of the City, serve three-year terms.

**Subpoena power:** No.

**Events/conditions precipitating creation of oversight mechanism:** Malik Jones, a young African-American man was shot and killed by a police officer from neighboring East Haven in 1997. His mother created an organization that advocated for police accountability, leading to the creation of the Civilian Review Board in 2001.

### **Complaint Process**

**Intake:** All complaints must be filed with the New Haven Police Department within one year of the incident. Complaints can be filed in person, by telephone, or mail.

**Informal Resolution:** Mediation is offered at intake.

**Formal Investigation:** Complaints are investigated by the Internal Values and Ethics Unit (IVE). An investigator interviews the complainant, officer, and all witnesses. The Civilian Review Board reviews all completed IVE investigations. Completed internal investigations are reviewed by a Review Board panel of two or three members. Panel members change monthly. The full Review Board does not regularly review completed internal investigations; however, a Review Board panel can bring a case before the full Review Board at any time.

**Findings:** The Review Board can recommend further investigation, or agree or disagree with the IVE investigation and findings. If misconduct is found, the Review Board recommends disciplinary action. The Review Board reports its recommendations and findings to the Chief and Board of Police Commissioners. The Chief issues the final disposition and notifies the complainant of the outcome.

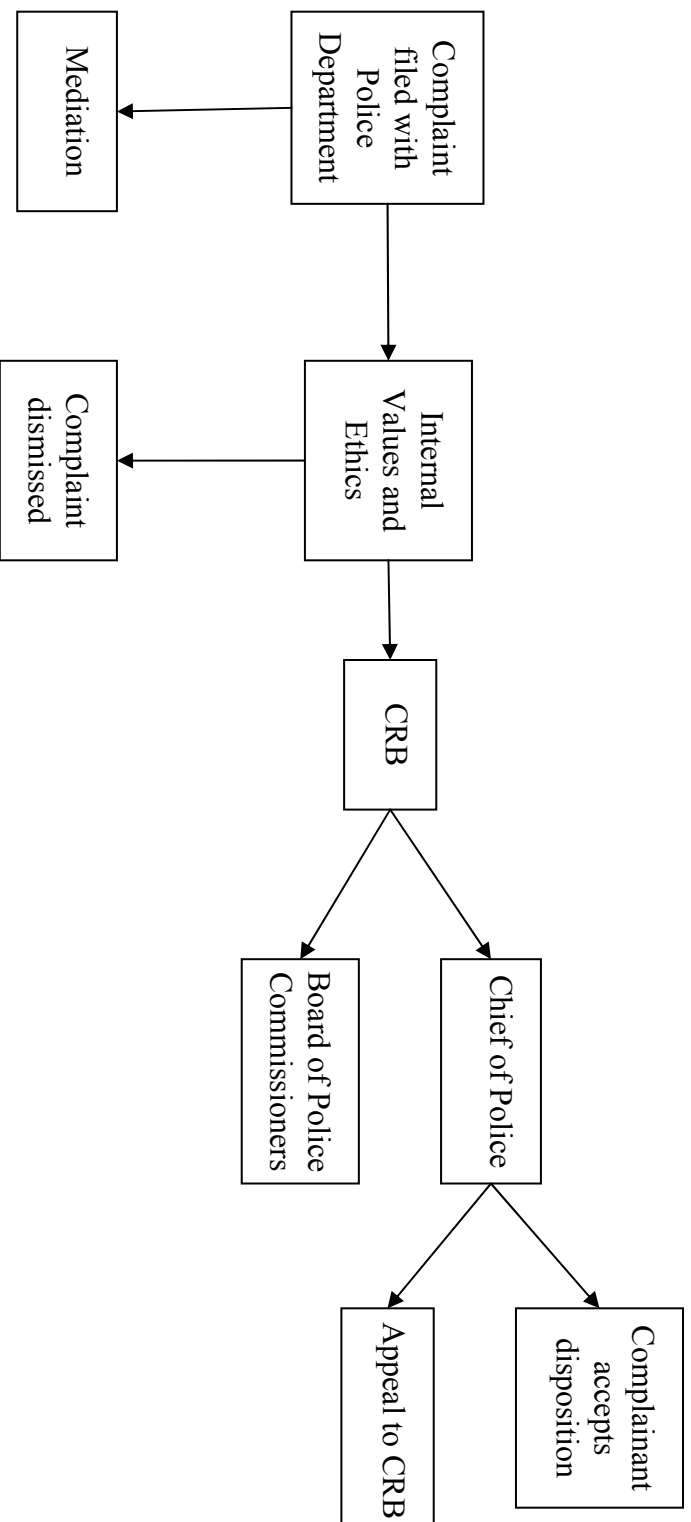
**Appeals:** Within 90 days of notification from the Chief of the disposition of a complaint, a complainant may file an appeal, in writing with the Review Board. Appeals are heard by the full Review Board. After reviewing the appeal and original investigation, the

Review Board may agree with the IVE findings, refer the complaint to IVE for further investigation, or conclude that the investigation was incomplete or biased and refer the case to the Chief for action.

Working Relationship with police department, city officials, community members, etc.: Staff of the Review Board indicated that they have a cooperative relationship with the Police Department, and the Internal Values and Ethics Unit specifically.

Contact Information: Civilian Review Board  
New Haven City Hall  
165 Church Street  
Floor 3R  
New Haven, CT 06510  
P: (203) 946-7904  
F: (203) 946-7911  
Web: [www.cityofnewhaven.com/govt/CivilianReviewBoard2.htm](http://www.cityofnewhaven.com/govt/CivilianReviewBoard2.htm)

## New Haven Civilian Review Board (CRB) Complaint Process



## **Portland, Oregon**

Agency: Citizen Review Committee

Jurisdiction: Portland Police Bureau

Population: 529,121

Department Size: 1,043

Annual Budget: no budget (under IPR's budget)

Staff: Volunteers; Director of the Independent Police Review Division of the City Auditor's Office serves as coordinator to the CRC.

Structure: The CRC is part of the Independent Police Review Division of the City Auditor's Office. Committee members are appointed by the City Council after a nomination process that involves the IPR Director and a selection committee. The Committee reports to the City Council regarding appeals of citizen complaints and reports to IPR and the Portland Police Bureau regarding Bureau policies and procedures.

Subpoena power: No.

### **Complaint Process**

The Civilian Review Committee does not process civilian complaints, but rather hears appeals.

Appeals: If a complainant or officer is dissatisfied by the resolution of a complaint, either can file a request within 30 days for review by IPR and the Citizen Review Committee. IPR will review the appeal and IA investigation and can order further investigation. If no further investigation is needed, the case proceeds to a public CRC pre-hearing. The CRC can deny the appeal or vote to hold a full hearing. The CRC can close a case by agreeing with the Police Bureau findings or by recommending changed findings to the Police Bureau. If the Police Bureau does not accept the recommendations, a complaint can be resolved through a conference between the CRC and Police Bureau or a hearing before the City Council.

The CRC holds public appeal hearings. The CRC reviews the case and holds a public meeting where all involved parties will be heard. The CRC determines whether the IA's finding is supported by the evidence. If the CRC agrees with IA, the case is closed. If the CRC determines that the IA finding is not supported by the evidence, and the Police Bureau does not accept that recommendation, a hearing will be set before the City Council. The City Council will then make the final decision as to whether or not the allegations against the officer(s) should be sustained. If they are sustained, then the Chief of Police will make a decision as to the appropriate discipline. If the City Council does not sustain the allegations, then the case will be closed.

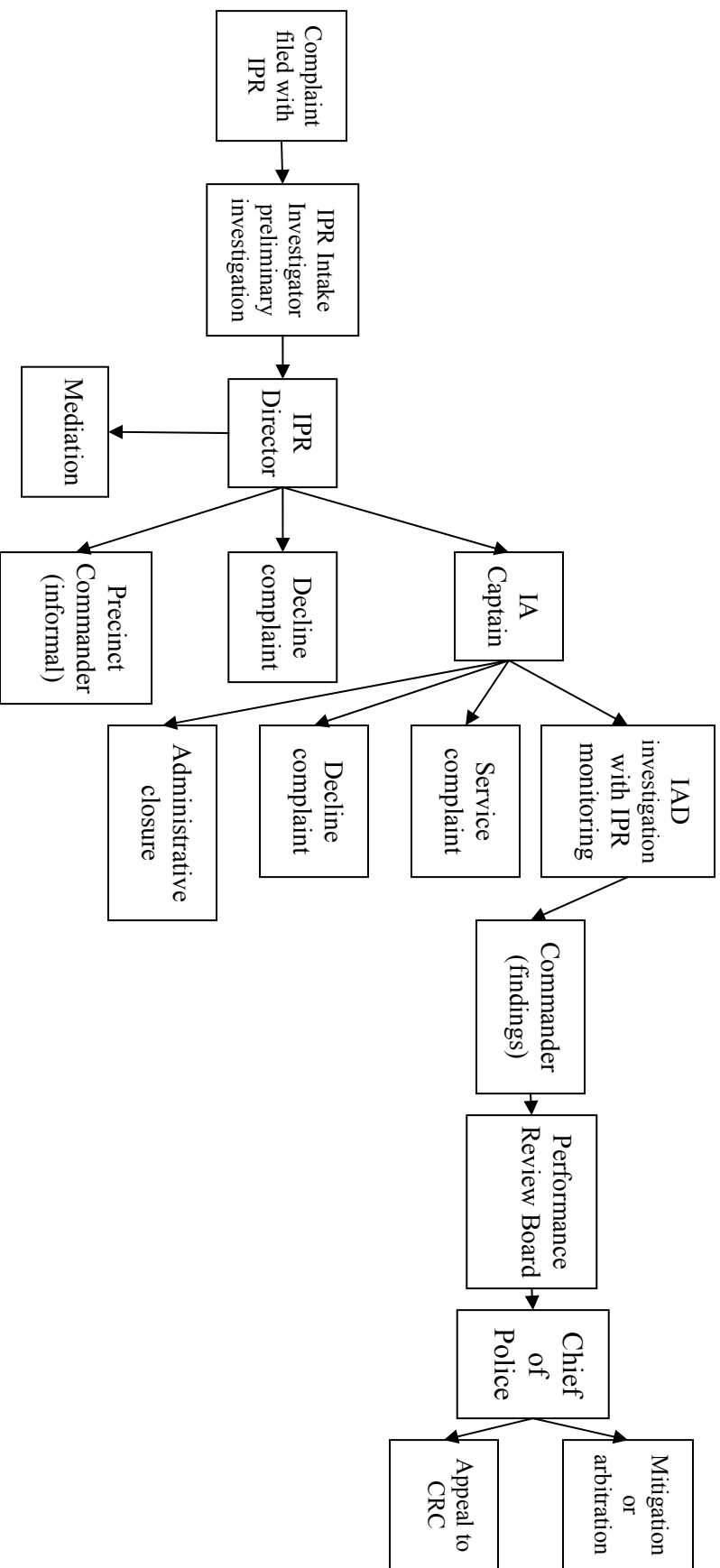
Working Relationship with police department, city officials, community members, etc.: According to IPR, the general perception in the community is that the CRC is more legitimate and credible because every member is a citizen who is not a government employee. Conversely, police and other agencies see IPR as more credible because they

are professionals, not volunteers like the CRC. As such, IPR has developed stronger working relationships with the Department and other city agencies. This has created tension between IPR and the CRC. During the investigation of a controversial officer-involved shooting last year, public disagreement between the CRC and IPR led to half of the CRC resigning in protest. IPR indicated that the CRC wanted to act outside of its authority and the CRC members were unhappy with the lack of support from IPR. According to IPR, the CRC viewed itself as the governing body of IPR. IPR and the CRC have had a good relationship since the new CRC members were appointed.

Additional Information: The Committee reviews Police Bureau policies and procedures and makes policy recommendations to the Bureau and IPR.

Contact Information: Citizen Review Committee  
1221 SW Fourth Avenue  
Room 320  
Portland, OR 97204  
P: (503) 823-0146  
F: (503) 823-3530

## Portland Independent Police Review (IPR) and Citizen Review Committee (CRC) Complaint Process





## **Seattle, Washington**

Agency: Office of Professional Accountability Review Board

Jurisdiction: Office of Professional Accountability, Seattle Police Department

Population: 563,374

Department Size: 1,240

Annual Budget: \$48,000 (from Seattle Legislative Department budget)

Staff: No paid staff

Structure: The three members of the Board are appointed by the City Council. Members receive a \$400 monthly stipend.

Subpoena power: No.

### **Complaint Process**

OPARB does not process civilian complaints. OPARB reviews closed and redacted Office of Public Accountability (Internal Affairs) complaint investigations, as well as the application and effectiveness of OPA standards and procedures. Redacted case files are files that have identifying characteristics such as names removed from the complaint.

Agency History: The Office of Accountability Review Board was established in 2002.

Working Relationship with police department, city officials, community members, etc.: According to a Board member, OPARB has a strained working relationship with the City of Seattle. Indicative of those problems, the City has refused to protect the Board members from personal civil liability arising out of OPARB reports.

Contact Information: Office of Professional Accountability Review Board

600 Fourth Avenue

Floor 2

P.O. Box 34025

Seattle, WA 98124

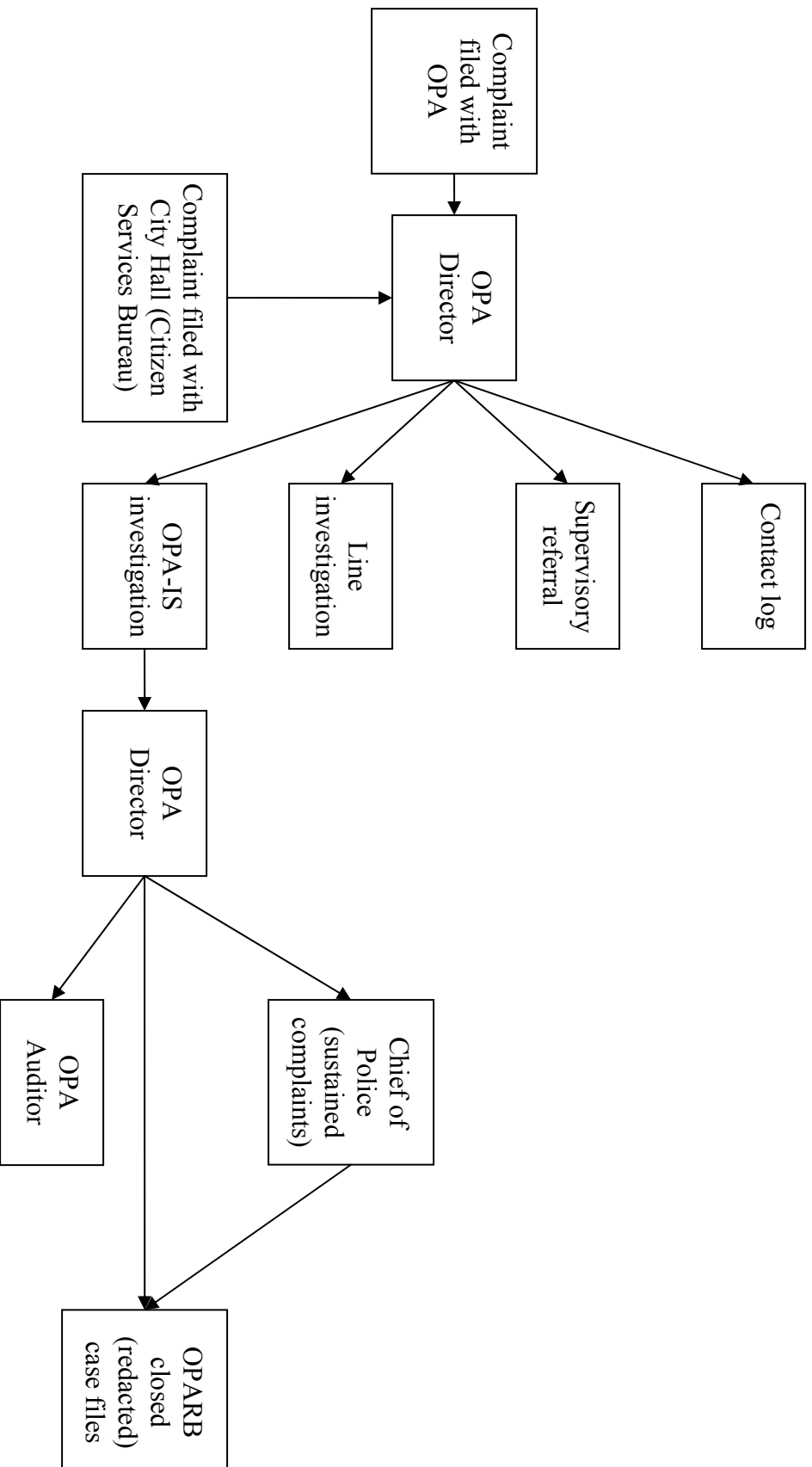
P: (206) 684-8888

F: (206) 684-8587

E: [opareviewboard@seattle.gov](mailto:opareviewboard@seattle.gov)

Web: [www.cityofseattle.net/council/OPARB](http://www.cityofseattle.net/council/OPARB)

## Seattle Office of Professional Accountability (OPA), OPA Review Board (OPARB), and OPA Auditor Complaint Process



## **St. Paul, Minnesota**

Agency: Police-Civilian Internal Affairs Review Commission

Jurisdiction: St. Paul Police Department

Population: 287,151

Department Size: 555

Annual Budget: \$37,160

Staff: 1 civilian coordinator (from the PD)

Structure: The Police-Civilian Internal Affairs Review Commission consists of seven members, two of whom are SPPD officers. Members are jointly appointed by the Mayor and Chief of Police. The Internal Affairs Unit of the St. Paul Police Department is the investigative arm of the Commission. The Commission has a civilian coordinator employed by the Police Department who processes complaints from the public.

Subpoena power: Yes.

### **Complaint Process**

Intake: Complaints can be filed with the Commission. Once filed, the coordinator gathers information about the complaint and forwards the complaint to Internal Affairs for investigation.

Informal Resolution: If the complaint contains an allegation of relatively minor misconduct such as discourtesy or an explanation of Department policy, Internal Affairs refers the complaint down the chain of command to the supervisory level for resolution. These resolutions are not sent to the Commission for review.

Formal Investigation: Internal Affairs investigates almost all complaints. Once an investigation is complete, it is sent to the Commission for review. The Commission reviews all IA investigations alleging excessive force, use of firearms, discrimination, poor public relations, and other complaints at the Chief's discretion. The commissioners, commission coordinator, IA commander, IA investigators, and a secretary are the only parties allowed to attend the case review. The commissioners, after being presented information about the case from an IA investigator, vote on the outcome.

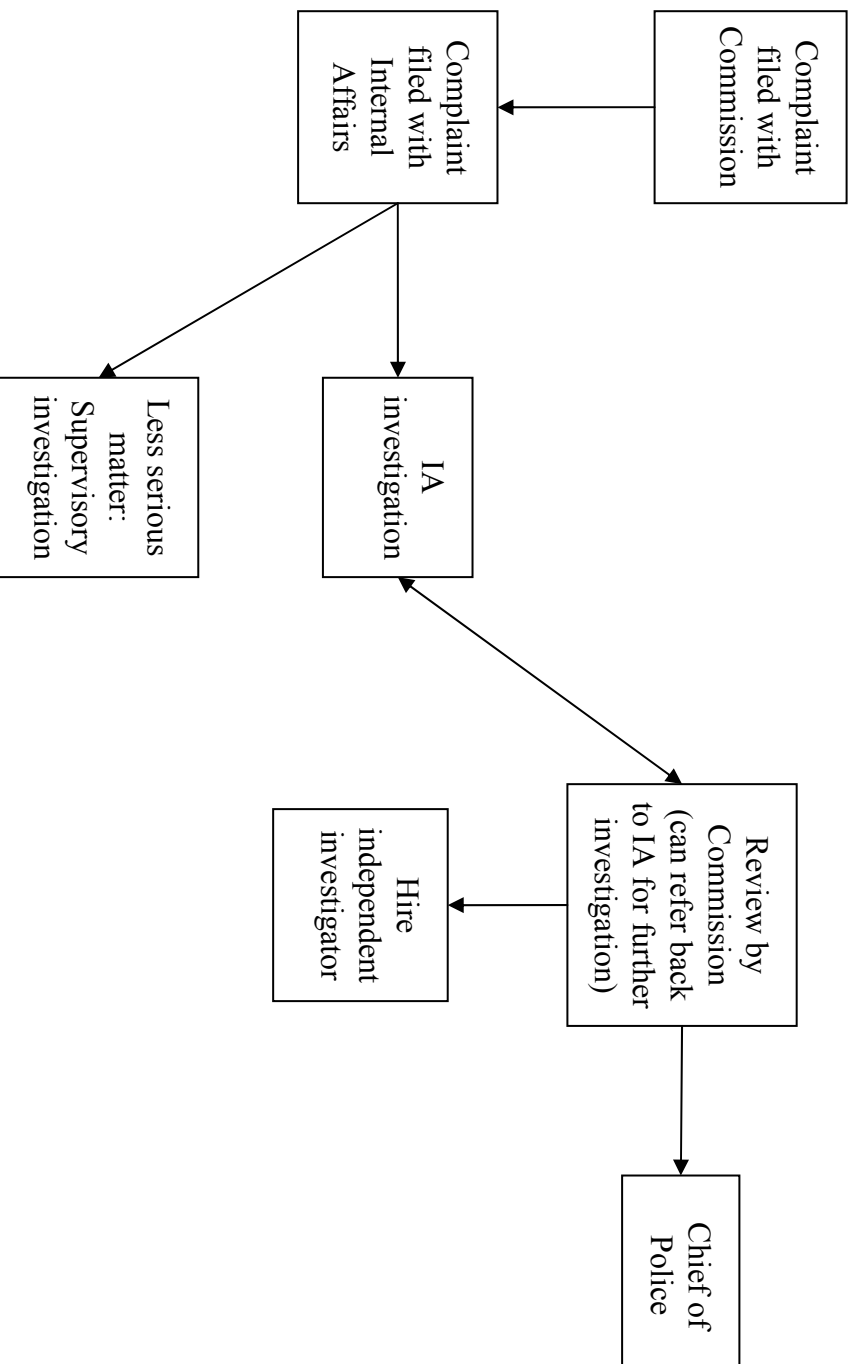
Findings: The Commission may find as follows; sustained, not sustained, exonerated, or unfounded. If a majority of the commissioners votes to sustain a complaint, the Commission must also vote on a recommendation for discipline. The commissioners may also determine that further investigation by either IA or an independent investigator is needed. The IA and Commission findings are forwarded to the Chief along with the Commission's disciplinary recommendations if the complaint is sustained.

Appeals: There are no appeals of the Commission's and Chief's findings/dispositions.

Other Functions: The Commission hears all cases involving the discharge of an officer's firearm even in cases where no complaint is filed.

Contact Information: Police-Civilian Internal Affairs Review Commission  
367 Grove Street  
St. Paul, MN 55101  
P: (651) 266-5583  
F: (651) 266-5952  
Web: [www.ci.stpaul.mn.us/depts/police/iau\\_pciarc2.html](http://www.ci.stpaul.mn.us/depts/police/iau_pciarc2.html)

## St. Paul Police-Civilian Internal Affairs Review Commission Complaint Process



## **St. Petersburg, Florida**

Agency: Civilian Police Review Committee

Jurisdiction: St. Petersburg Police Department

Population: 248,232

Department Size: 524

Annual Budget: \$157,000

Staff: 1 coordinator and 1 administrative secretary

Structure: The Civilian Police Review Committee reviews internal investigations and reports results to the public. The Committee is comprised of 23 members appointed by the Mayor. Members, who must be City residents, serve three-year terms.

Subpoena power: No.

Events/conditions precipitating creation of oversight mechanism:

The Review Committee was created after community groups and individual citizens voiced concern over the legitimacy and fairness of the complaint process.

### **Complaint Process**

The Civilian Police Review Committee does not process civilian complaints. According to Florida law, the Review Committee cannot change the findings of IA investigations. The Committee can only make policy recommendations to the Police Department.

Formal Investigation: Every complaint, regardless of its nature, is investigated. Serious allegations (such as, unnecessary force, falsifying records) are investigated by the Internal Affairs Division and are referred to as Internal Affairs Investigations. The results of Internal Affairs Investigations are referred to the Chief. Minor breaches of Police Department regulations (such as discourtesy) are investigated by the police officer's supervisor and are referred to as Bureau Investigations. Any discipline arising out of Bureau Investigations is imposed by the officer's supervisor.

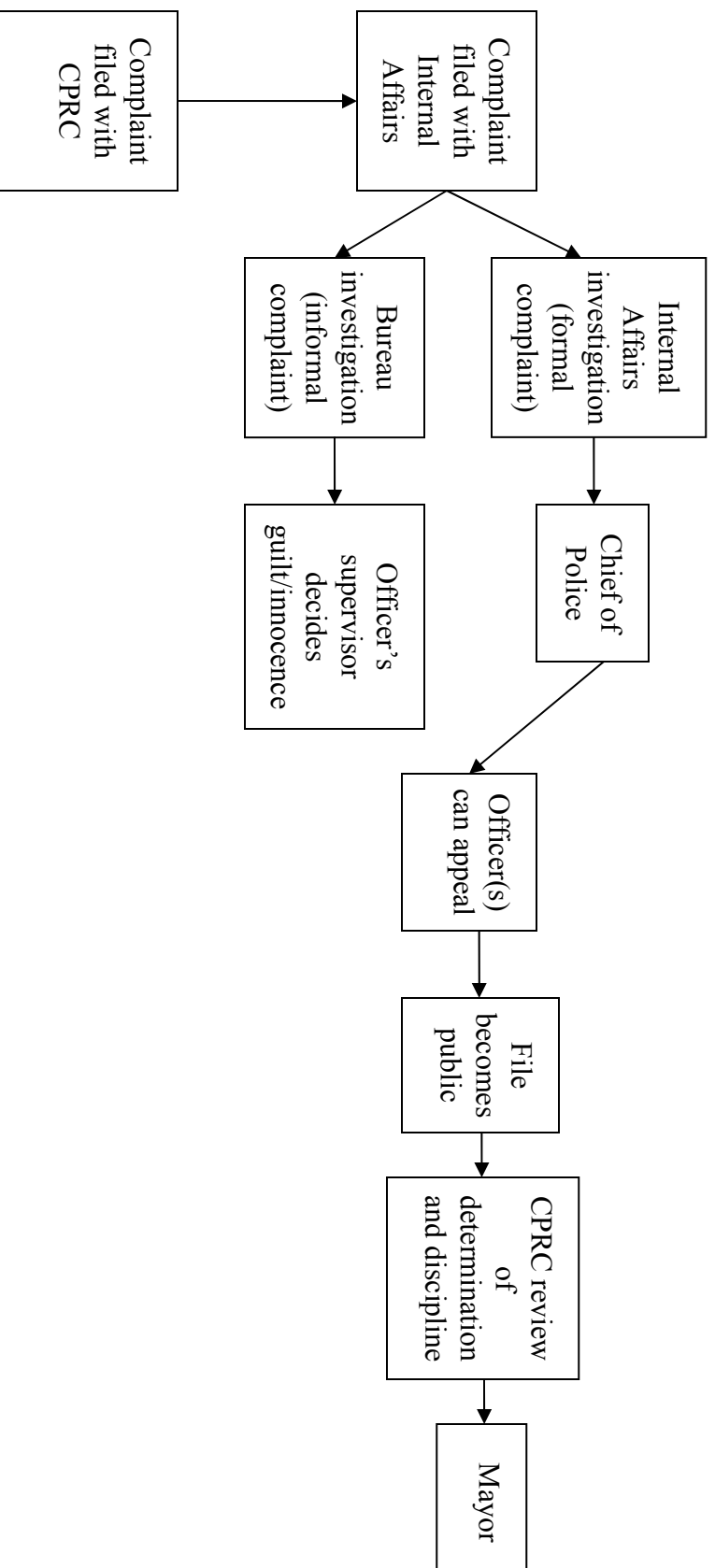
Appeals: Once an investigation becomes a public record (which occurs after final administrative disposition, including appeals, and the disposition of any associated criminal case), the Civilian Police Review Committee reviews the determination made and the discipline imposed, if any. The Committee only reviews internal investigations. The Committee does not have investigatory authority.

Agency History: The Board was created in 1991. The structure was chosen so as to conform to the Police Officer's Bill of Rights and existing ordinances.

Working Relationship with police department, city officials, community members, etc.: According to an employee of the Board, the Board has a good working relationship with the Chief, Mayor, and the Department. Most of the Board's policy recommendations are implemented.

Contact Information: Civilian Police Review Committee  
175 5<sup>th</sup> Street North  
City Hall  
First Floor  
St. Petersburg, FL 33701  
P: (727) 893-7229  
F: (727) 551-3379  
Web: [www.stpete.org/cprc.htm](http://www.stpete.org/cprc.htm)

## St. Petersburg Civilian Police Review Committee (CPRC) Complaint Process





## **Investigative and Quality Assurance Models**

### **Appendix 3**

## **Berkeley, California**

Agency: Police Review Commission

Jurisdiction: Berkeley Police Department

Population: 102,743

Department Size: 200

Annual Budget: Approximately \$280,000

Staff: 4

Structure: The Berkeley Police Review Commission (PRC) consists of nine members. Each City Council member appoints one Commissioner. Commissioners must be residents of the City. Members serve two-year terms. Commissioners receive \$3 per hour to a maximum of \$200 per month.

Subpoena power: Yes.

### **Complaint Process**

Intake: Complaints must be written, signed by the aggrieved person, and filed within 90 days of the incident. The Commission must forward a complaint to Internal Affairs within 30 days. The Commission may grant a 90-day extension period. When an extension is granted, however, the findings of the Commission will not be considered in any disciplinary actions; nor are the subject officers required to testify. While the Commission is required to forward all complaints to IA, IA is not required to send all complaints it receives to the PRC.

Informal Resolution: Mediation may be used for all complaints except those involving the death of an individual. The Department, PRC, complainant, and subject officer all must agree to mediation before mediation is attempted. Mediation sessions are held before one Commissioner and involve the complainant and subject officer. Either party can appeal the mediator's decision within ten days. Five Commissioners must vote to review the appeal. If granted, the Commission can reinstitute mediation, dismiss the complaint, or order a formal investigation.

Formal Investigation: The Commission and IA investigate complaints independent of one another and often at the same time. Officers are required to participate in a Commission investigation.

Hearings: The Commission may dismiss any or all allegations in a complaint in one of five ways: allegations are found to be without merit after reviewing the investigative file, by a unanimous vote to dismiss, recommendation by the investigator to dismiss, a Commission motion to dismiss, or a motion by the subject officer to dismiss. Involved parties are notified of a dismissal; however, dismissed complaints are not referred to the Chief or City Manager. If a complaint is not dismissed after a completed Commission investigation, a Board of Inquiry is held. The Board, made up of three Commission members, hears testimony, allows for questioning of complainants, officers, and witnesses, and reviews evidence.

Findings: The Board may find as follows: unfounded, exonerated, not sustained, and sustained. Board findings are forwarded to the City Manager and the Chief of Police. The Chief, however, may have already made a final disposition based upon IA's investigation. While the City Manager has final authority over discipline, in reality the Chief decides whether or not to follow findings from the internal investigation.

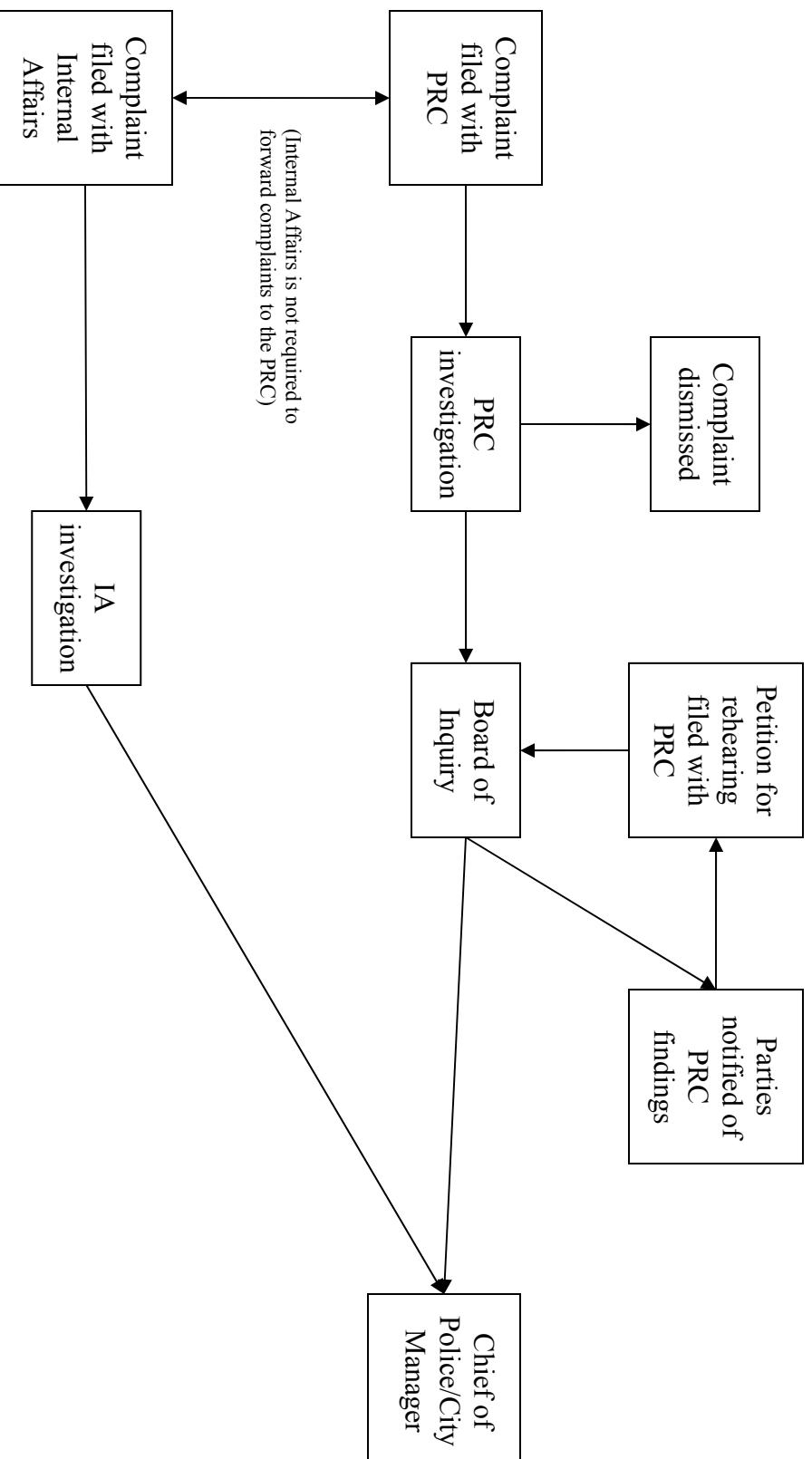
Appeals: A complainant or officer may appeal within 15 days of receiving notification from the Commission of its resolution of the complaint. Appeals are granted if new evidence has been discovered.

Other Functions: The PRC reviews and makes recommendations on BPD policies and also holds public forums allowing Berkeley citizens to voice concerns relating to BPD policies and procedures. The Commission issues quarterly reports to the City Council and City Manager.

Agency History: The PRC was created in 1973 after community outcry relating to allegations of excessive force in handling street people.

Contact Information: Police Review Commission  
1947 Center Street  
3<sup>rd</sup> Floor  
Berkeley, CA 94704  
P: (510) 981-4950  
F: (510) 981-4955  
E: [prc@ci.berkeley.ca.us](mailto:prc@ci.berkeley.ca.us)  
Web: [www.ci.berkeley.ca.us/prc](http://www.ci.berkeley.ca.us/prc)

## Berkeley Police Review Commission (PRC) Complaint Process



## **Cambridge, Massachusetts**

Agency: Cambridge Police Review and Advisory Board

Jurisdiction: Cambridge Police Department

Population: 101,355

Department Size: 271

Annual Budget: \$85,000

Staff: 2, an executive secretary to the Board and a Board investigator

Structure: The PRAB consists of five civilian members appointed by the City Manager for five-year terms. Board members are not compensated and must be residents of the City. The PRAB consults with the Chief in establishing policies, rules, and regulations for the Cambridge Police Department, (with the City Council) reviews the Department budget before it is reviewed by the City Manager, receives and reconciles complaints of police misconduct, and makes disciplinary recommendations to the Chief and City Manager.

Subpoena power: Yes.

Events/conditions precipitating creation of oversight mechanism: There was a controversial incident involving the police approximately 20 years ago that resulted in public outcry and support for oversight of the Cambridge Police Department.

### **Complaint Process**

Intake: Formal complaints must be filed within 60 days of the incident in person, by mail, or telephone with the PRAB. Complaints may also be filed with the Quality Control section of the Cambridge Police Department in person, by telephone, by mail, or e-mail. Where a complaint is filed dictates the agency that will investigate it. Complaints filed with the Quality Control must be forwarded immediately to the PRAB. Copies of the complaint must be given to each PRAB member, the PRAB investigator, and the Chief of Police. The Chief and Quality Control are given copies of formal complaints filed with the Board within five working days. Complaints filed with the PRAB are preliminarily investigated within ten days to determine if sufficient evidence exists to warrant a full investigation. At the completion of the preliminary investigation the PRAB either orders a full investigation or dismisses the complaint.

Informal Resolution: After a full PRAB investigation, the Board may suggest mediation.

Formal Investigations: The Board investigator interviews the subject officer(s), complainant, witnesses, gathers evidence, reviews reports and Department policies. Complaints filed with the Department are investigated by the Quality Control section. Upon conclusion of a departmental investigation, the Chief files a report of findings with the PRAB.

Findings: The Board may dismiss a complaint at several stages of the complaint process: after reviewing a preliminary investigative report prepared by the Board investigator,

after a full investigative report prepared by the Board investigator, after a fact-finding hearing conducted by the City Solicitor's Office, or after a public Board hearing. If the Board sustains a complaint, it recommends discipline to the City Manager. Findings are classified as follows: sustained, or dismissed for lack of jurisdiction, lack of probable cause, insufficient evidence.

Appeals: If a complaint investigated by the PRAB is not resolved to the satisfaction of the complainant, the respondent employee, or a member of the Board, the aggrieved person(s) may request that the full Board hear the case or review the investigative file further. If a hearing or review is requested, a majority of the Board members must vote to hear or review the case. The Board may also order a hearing or review of a dismissed complaint. The Board has the same options for disposition on appeal as it does on an original complaint. The PRAB cannot hear appeals of Quality Control complaint investigations.

Other Functions: The Board reviews Department policies, procedures, and practices and makes recommendations to the City Manager, Chief of Police, and City Council. Additionally, the Board along with the City Council reviews the Cambridge Police Department's budget before it goes to the City Manager. The Board issues quarterly reports regarding the activities of the police department, including the management of complaints.

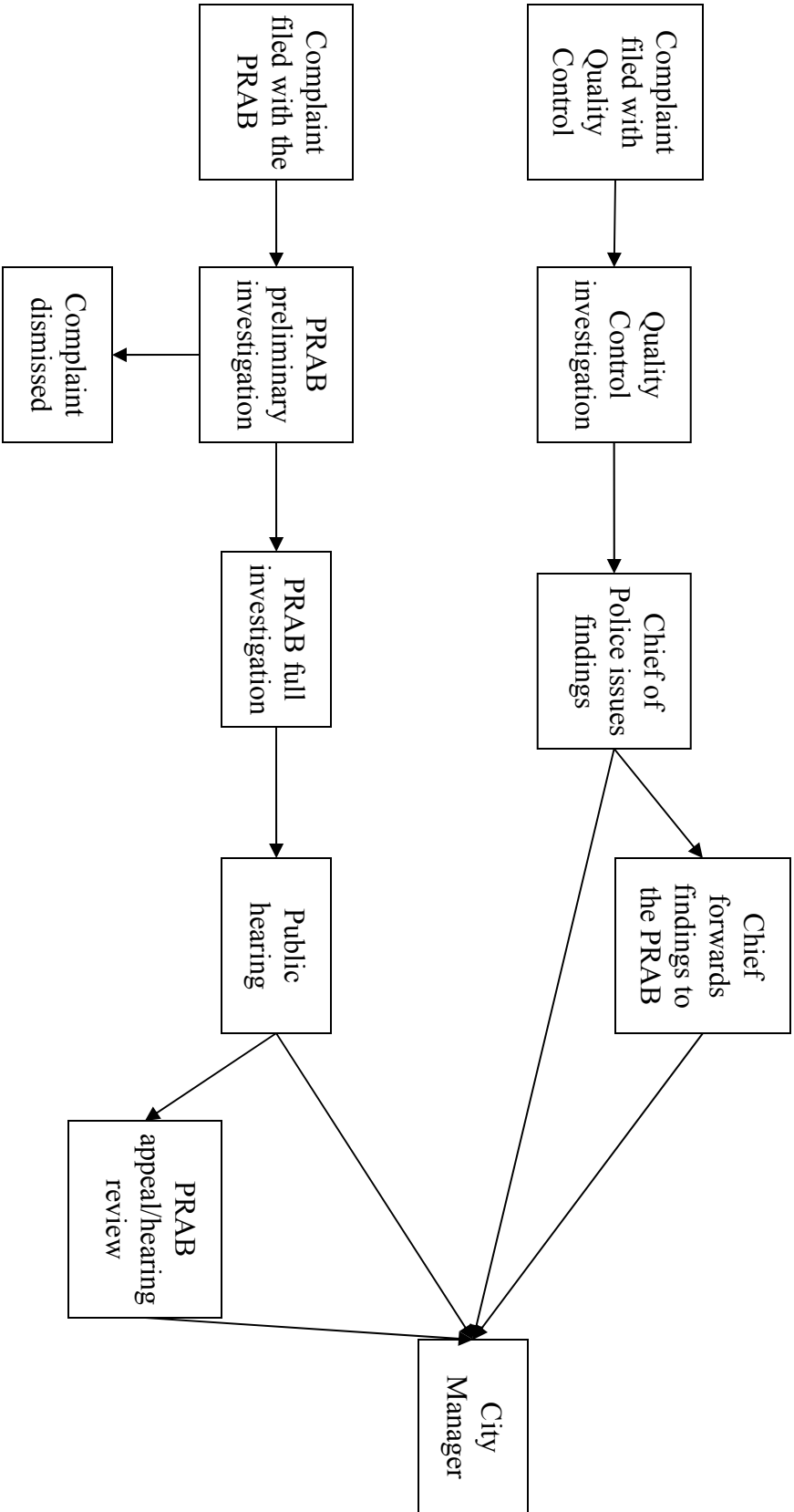
Oversight/IA Interaction: The Board has a good relationship with Quality Control, which presently is very open. In the past, however, access to information was difficult, in part because Quality Control viewed the Board as having a pro-complainant attitude.

Agency History: The Board was created in 1984 to improve community confidence in city government and to strengthen police-community relations.

Additional Information: Several years ago the Board was essentially defunct as all of its positions were left vacant and the governing ordinance had no provision for operations in such a situation. A policy currently in draft would allow the Board to function in such circumstances. The pending policy would also grant the Board the authority to hear appeals of Quality Control complaint investigations. Additionally, the Board is also debating the desirability of residency requirements for Board members.

Contact Information: Police Review and Advisory Board  
51 Inman Street  
2<sup>nd</sup> Floor  
Cambridge, MA 02139  
P: (617) 349-6155  
F: (617) 349-4766  
Web: [www.cambridgema.gov/~PRAB/](http://www.cambridgema.gov/~PRAB/)

**Cambridge Police Review and Advisory Review Board (PRAB) Complaint Process**



## **Dayton, Ohio**

Agency: Joint Office of Citizen Complaints (Ombudsman's Office)

Jurisdiction: Dayton Police Department, along with all Montgomery County departments, City of Dayton departments, and all other government agencies within Montgomery County

Population: 166,179

Department Size: 558

Annual Budget: \$176,000 (general jurisdiction); \$268,000 (long-term care)

Staff: 12 (3 executive positions including the Ombudsman and Assistant Ombudsman and 9 assigned to the Long Term Care Ombudsman Program), plus volunteers and interns

Structure: The Ombudsman's Office is part of the Joint Office of Citizen Complaints. The Office is a corporation and is governed by a Board of Trustees. The Ombudsman is a public official elected by the Board to act as the Chief Executive Officer of the corporation. The Ombudsman is retained under contract. This contract allows for the Ombudsman to operate without interference from elected officials and government agencies. The Ombudsman can only be removed from office by a two-thirds vote of the Board. The Joint Office of Citizen Complaints oversees all government offices and also specializes in receiving and investigating complaints from residents of nursing homes, county homes, residential care facilities, group homes, and private residences.

Subpoena power: No.

Events/conditions precipitating creation of oversight mechanism: The Dayton-Montgomery County Ombudsman was created because of distrust of the police and general unrest in the community after the Vietnam War and school desegregation.

### **Complaint Process**

Intake: Complaints can be filed at the Ombudsman office, by telephone, mail, or e-mail. Complaints can also be filed with the Department. The Ombudsman has jurisdiction over complaints filed with the Joint Office of Citizen complaints. The Ombudsman either investigates complaints herself or refers them to Internal Affairs if an internal investigation is more appropriate.

Informal Resolution: The Ombudsman offers mediation as an option, usually during the initial complaint intake process/interview. Mediators are provided by a separate Montgomery County department.

Formal Investigation: The Ombudsman reviews evidence, including police reports and recorded interviews, and can also interview officers, witnesses, and complainants.

Findings: The Ombudsman does not make findings or recommendations to the Chief or City Commission. The Ombudsman does make recommendations to the District



Commanders (supervisors) and/or Chief of Police about whether a complaint is justified or unjustified.

Appeals: There is no appeal of Ombudsman recommendations. Complainants that filed with the Ombudsman's Office and are dissatisfied with the result can then file with Internal Affairs. Likewise, those who file initially with Internal Affairs can turn to the Joint Office of Citizen Complaints if dissatisfied.

Other Functions: The Ombudsman reviews policies, makes policy recommendations to the Chief and City Commission, and reviews existing policies and procedures being implemented.

Oversight/IA Interaction: Other than attending hearings of the Appeal Board, the Ombudsman has little interaction with Internal Affairs or with the Dayton Citizen Appeal Board.

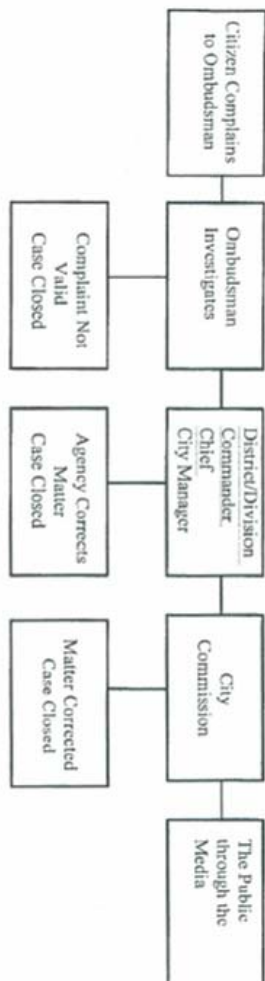
Agency History: The Dayton-Montgomery County Ombudsman Office was created in 1972. The Ombudsman has not changed structurally since it was established.

Working Relationship with police department, city officials, community members, etc.: The Ombudsman has a good relationship with the elected officials (city and county) and also with the directors of the local agencies that they are charged with overseeing. Those relationships increase the effectiveness of the Ombudsman's interventions. Most policy recommendations made by the Ombudsman are received favorably.

Additional Information: The Ombudsman sees her principal strength lying in her independence from other government officials. While the Ombudsman can be fired, officials cannot interfere with her investigations. The Ombudsman perceives that the breadth of the subject matter covered by the office as both a strength and a weakness (as investigators do not specialize in police misconduct issues). The Ombudsman sees the office's lack of subpoena power as a definite weakness.

Contact Information: Joint Office of Citizen Complaints  
15 East Fourth Street  
Suite 208  
Dayton, OH 45402  
P: (937) 223-4613  
F: (937) 228-1183  
Web: [www.dayton-ombudsman.org](http://www.dayton-ombudsman.org)

## Dayton-Montgomery County Ombudsman Complaint Process



Source: Joint Office of Citizen Complaints

## **District of Columbia**

Agency: Office of Police Complaints

Jurisdiction: Metropolitan Police Department (MPD) and District of Columbia Housing Authority Police Department (DCHAPD)

Population: 563,384

Department Size: 3800 (MPD) and 75 (DCHAPD)

Annual Budget: \$1,756,000

Staff: 20 – Executive Director, Deputy Director, Chief Investigator, Assistant Chief Investigator, 10 Investigators, Public Affairs Specialist, and 4 Administrative Positions

Structure: The Office of Police Complaints (OPC) is overseen by the Police Complaints Board (PCB). The five-member PCB board consists of four members who are private citizen volunteers and one member is an MPD employee. All are appointed by the Mayor and approved by the District Council. PCB has general oversight authority over OPC and has the authority to hire and remove OPC's executive director. One member of PCB must concur in dismissal determinations made by OPC's executive director. PCB also must approve members of OPC's mediator and complaint examiner pool and can make recommendations to the Mayor, the Council, and the Chief of Police.

Subpoena power: Yes.

### **Complaint Process**

Intake: The public initiates the complaint process, which begins only after a person has filed a written, signed complaint form with the agency. OPC has the authority to investigate complaints that are received within 45 days of the alleged misconduct and that allege abuse or misuse of police powers by MPD or DCHAPD officers, including: (1) Harassment; (2) Use of language or conduct that is insulting, demeaning, or humiliating; (3) Retaliation for filing a complaint with OPC; (4) Use of unnecessary or excessive force; or (5) Discriminatory treatment. The office is physically located away from MPD, DCHAPD, and other government offices to provide the public with a less intimidating environment in which to file a complaint. To make it as convenient as possible to file a complaint, complainants may file in person at OPC's office or at any MPD district station, or they may initiate a complaint by mail, telephone, fax, or e-mail.

After a complaint is received, the Executive Director reviews it to confirm that it is in OPC's jurisdiction, and to determine how to proceed with the processing of the complaint. If a complaint is outside OPC's jurisdiction, the Executive Director refers it to MPD's Office of Professional Responsibility, DCHAPD, or the appropriate agency for investigation. Also, if the complaint alleges conduct by an officer that may be criminal in nature, the Executive Director refers the complaint to the U.S. Attorney for the District of Columbia for possible criminal prosecution of the officer. For the remaining complaints, the Executive Director determines whether they should be investigated or mediated.

Formal Investigation: When a complaint is investigated, it is assigned to one of OPC's staff investigators. The investigator interviews the complainant, subject officer, and any

witnesses the complainant identifies, in addition to attempting to locate and interview any other police or non-police witnesses who may be able to provide relevant information. The investigator also collects and reviews other evidence, including MPD documents, hospital records, materials from other sources, the scene of the incident, and any other relevant information. When the investigation is complete, the investigator drafts an investigative report, which, along with all the evidence gathered in the investigation, is reviewed by a supervisor. The Executive Director then reviews the report of the findings of the investigation, and determines if the complaint should be dismissed, which requires the concurrence of one PCB member, or referred to a complaint examiner for review and a decision on the merits of the complaint. OPC's three principal methods of resolving complaints – dismissal, mediation, and complaint examination – are discussed in more detail below.

Dismissal: The statute and regulations governing OPC allow for the dismissal of complaints under three sets of circumstances: (1) the complaint is deemed to lack merit; (2) the complainant refuses to cooperate with the investigation; or (3) if, after the Executive Director refers a complaint for mediation, the complainant willfully fails to participate in good faith in the mediation process. Based on information gathered during OPC's investigation of a complaint, and with the concurrence of one PCB member, the Executive Director may dismiss a complaint when these circumstances arise.

Informal Resolution: A mediation service, the Community Dispute Resolution Center (CDRC), administers OPC's mediation program, assigning complaints to be mediated by a pool of well-trained, experienced, and diverse mediators. There is no cost to the complainant or the subject officer to participate in mediation, but both parties must sign a confidentiality agreement that provides that anything said by either party during the mediation session will not be disclosed outside of the session.

The decision to refer a complaint to mediation is made by the Executive Director, and not by the parties. If the Executive Director refers a complaint to mediation, both the complainant and the subject officer are required to participate in the mediation process in good faith. Failure to participate in good faith constitutes cause for discipline of the subject officer and grounds for dismissal of the complaint. However, even though participation of the parties is required, the outcome of the mediation is completely voluntary because neither the complainant nor the officer is required to reach an agreement or settle the dispute during mediation.

There are some restrictions as to which complaints may be referred to mediation. OPC will not refer complaints involving allegations of the use of unnecessary or excessive force that results in physical injury. In addition, an officer may not mediate a complaint if he or she has mediated a complaint alleging similar misconduct or has had a complaint sustained by OPC for similar misconduct in the past 12 months.

Complaint Examination: The complaint examination process is used to resolve complaints where the Executive Director determines that there is "reasonable cause to believe" that police misconduct occurred. When the Executive Director reaches this determination, the complaint is referred to a complaint examiner who reviews it, along

with OPC's investigative report, and issues a written decision regarding the merits of the complaint. The complaint examiner may resolve the complaint based on OPC's investigative report alone, or, if necessary, may conduct an evidentiary hearing to further develop the factual record. In practice, complaints that are neither dismissed nor successfully mediated are resolved through complaint examination, which is the only means by which OPC can issue a decision sustaining a complaint against an officer, although not all complaints that are referred to complaint examination are sustained.

If a complaint examiner sustains any allegation in a complaint, the Executive Director forwards the complaint examiner's decision to the Chief of Police for review and imposition of discipline. Under certain limited circumstances, the Chief may send a decision back to OPC for further review, but, otherwise, the Chief is bound by the decision and must impose discipline on the officer as a result of the decision. If the complaint examiner does not sustain any allegation in a complaint, the Executive Director dismisses the complaint based on the decision.

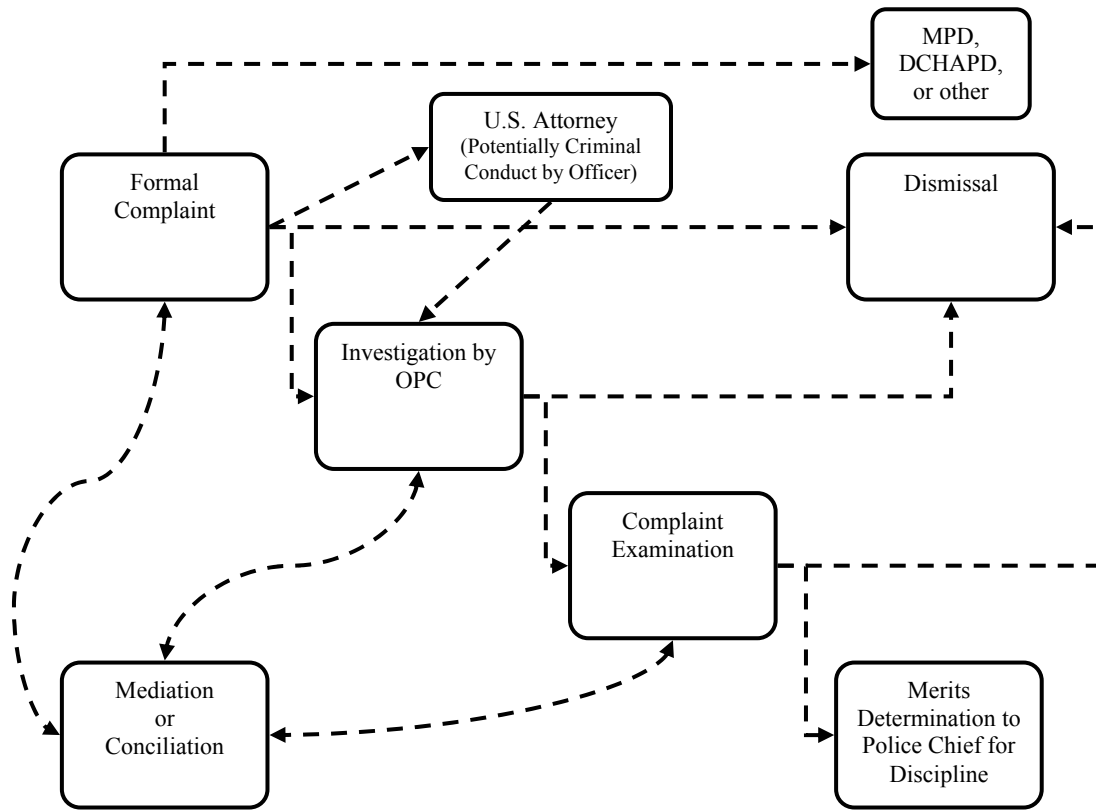
Other Functions: The statute creating PCB places an obligation on it to, "where appropriate, make recommendations" to the Mayor, the Council, and the Chief of Police "concerning those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers." To date, PCB has issued two detailed policy recommendations regarding racial profiling and disorderly conduct arrests.

Agency History: The Civilian Complaint Review Board, OPC's predecessor agency, was established in 1982 and abolished in 1995 after it proved ineffective. The current office, originally known as the Office of Citizen Complaint Review, and now known as the Office of Police Complaints, was established in 1999.

Working Relationship with police department, city officials, community members, etc.: OPC has a good working relationship with the MPD. OPC investigators receive training from MPD instructors regarding MPD policies and procedures. OPC is in regular communication with the police union and different branches of the MPD. The Chief has been supportive of OPC. Because of the small size of the DCHAPD, OPC has received only a small number of complaints regarding DCHAPD officers, and has had relatively limited contact with the agency.

Contact Information: Office of Police Complaints  
730 11th Street, NW  
Suite 500  
Washington, DC 20001  
P: (202) 727-3838  
F: (202) 727-9182  
Web: [www.policecomplaints.dc.gov](http://www.policecomplaints.dc.gov)

## District of Columbia Office of Police Complaints Complaint Process



Source: Office of Police Complaints

## **Flint, Michigan**

Agency: Flint Ombudsman

Jurisdiction: Flint Police Department

Population: 124,943

Department Size: 340

Annual Budget: Total \$540,744; Complaints against police \$173,811

Staff: Total 7; Complaints against police 3 (2 full-time, 1 part-time)

Structure: The Flint Ombudsman is appointed by the City Council. The Ombudsman is appointed to a seven-year term and cannot be reappointed. The Ombudsman can be removed by a three-fourths vote of the Council.

Subpoena power: Yes.

### **Complaint Process**

Intake: Complaints filed with Ombudsman are assigned to an investigator.

Informal Resolution: An investigator may informally resolve a complaint by including Internal Affairs in the process and providing an explanation of Department policy to the complainant. Additionally, IA may ask a shift commander to conduct an informal investigation. If a complaint is not resolved using either of these two methods, an investigator may offer mediation. Both the officer and complainant must agree to mediation. The officer is not directly involved in mediation. The officer's supervisor meets with the complainant and attempts to resolve the matter. If no solution can be reached, the complainant may request a formal investigation by the Ombudsman.

Formal Investigation: Once a complaint has been filed and a formal investigation initiated, the investigator mails the complaint to the Chief. The Department has seven days to respond. This usually results in the Chief forwarding the complaint down the chain of command to the subject officer. The investigator also interviews the complainant and reviews evidence. When the investigation has been completed, the investigator prepares a report for the Ombudsman.

Findings: The Ombudsman can either sustain or not sustain each allegation in a complaint. The final investigation report is then sent to the Chief. The Ombudsman can recommend only that discipline be imposed, not what type of discipline should be imposed. The Chief can then conduct another investigation through Internal Affairs or the subject officer's commander.

Oversight/IA Interaction: The Ombudsman does not have much interaction with IA. The only interaction is for specific reasons such as gathering information (not sharing information) or referring specific complaints to IA for investigation.

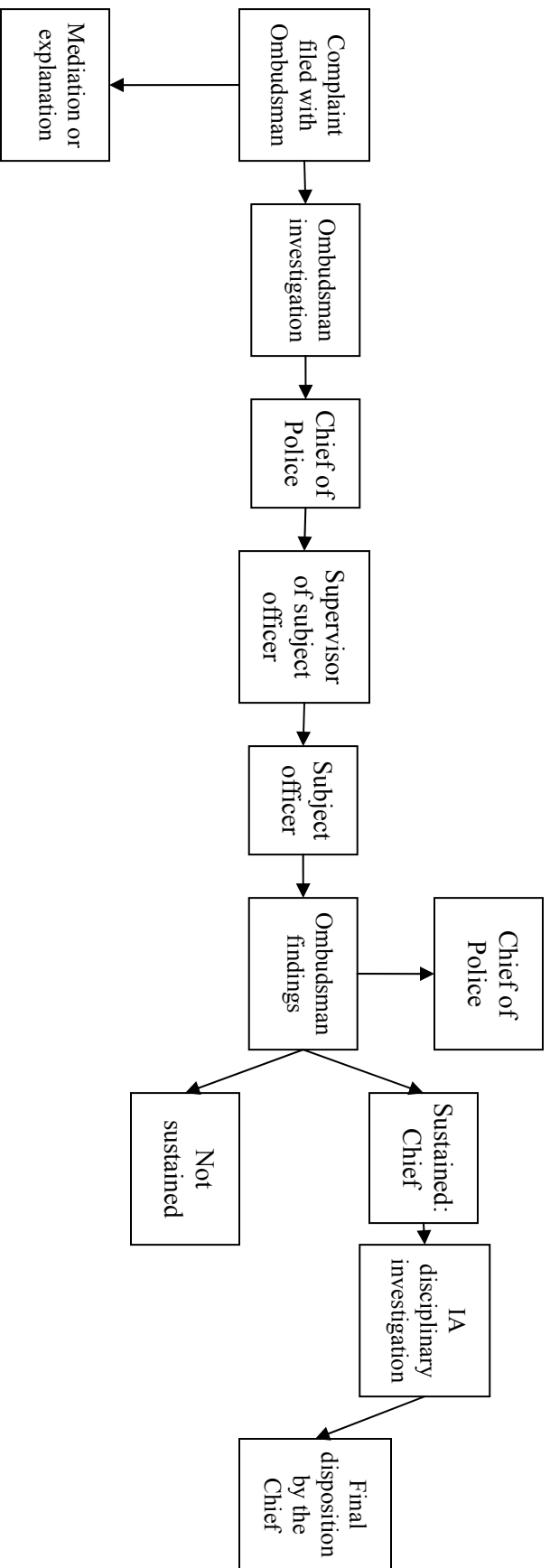
Agency History: The Flint Ombudsman was created in 1974 as a check and balance on executive power when a charter revision created a strong mayoral form of government.

Working Relationship with police department, city officials, community members, etc.:  
The Ombudsman has a wary relationship with the police department.

Contact Information: Office of Ombudsman  
North Building  
City Hall  
1101 S. Saginaw Street  
Flint, MI 48502  
P: (810) 766-7335  
F: (810) 766-7262  
Web: [www.cityofflint.com/Ombuds/ombuds\\_main.asp](http://www.cityofflint.com/Ombuds/ombuds_main.asp)



## Flint Office of the Ombudsman Complaint Process



## **Hawaii County, Hawaii**

Agency: County of Hawaii Police Commission

Jurisdiction: Police Department of the County of Hawaii

Population: 158,423

Department Size: 369

Annual Budget: \$99,995

Staff: 1 secretary/office manager

Structure: The Police Commission reviews the annual budget prepared by the Chief and makes budgetary recommendations to the Mayor. The Commission also has the authority to hire and fire the Chief. The Commission consists of nine Commissioners from each council district in the County. Commissioners are appointed by the Mayor and confirmed by the Council.

Subpoena power: No.

### **Complaint Process**

Intake: Complaints can be filed in writing with the Commission. The complaint must be signed and dated by the complainant under oath before a notary public, and must be filed within 60 days of the date of the incident.

Informal Resolution: None.

Formal Investigation: An initial investigation is done by the Commission. The Commission reviews all police reports related to the incident, interviews the subject officer and complainant, and can issue findings based on this initial investigation. The complainant may give testimony in a meeting open to the public. The subject officer can request a closed session. The Commission may refer the complaint to the Police Department or a private investigator, who will work under the Commission's direction, for a full investigation. The Commission may investigate allegations of misconduct, other than the original allegations, arising from the investigation of a complaint.

Findings: The Commission makes the following findings: unfounded, exonerated, not sustained, and sustained. The Commission gives written notice of its findings to the Chief. The Commission's findings are not binding on the Chief. The Chief retains final disciplinary authority.

Appeals: An action taken by the Commission may be reconsidered only upon a motion made at the same or the next meeting by a commissioner who voted on the prevailing side.

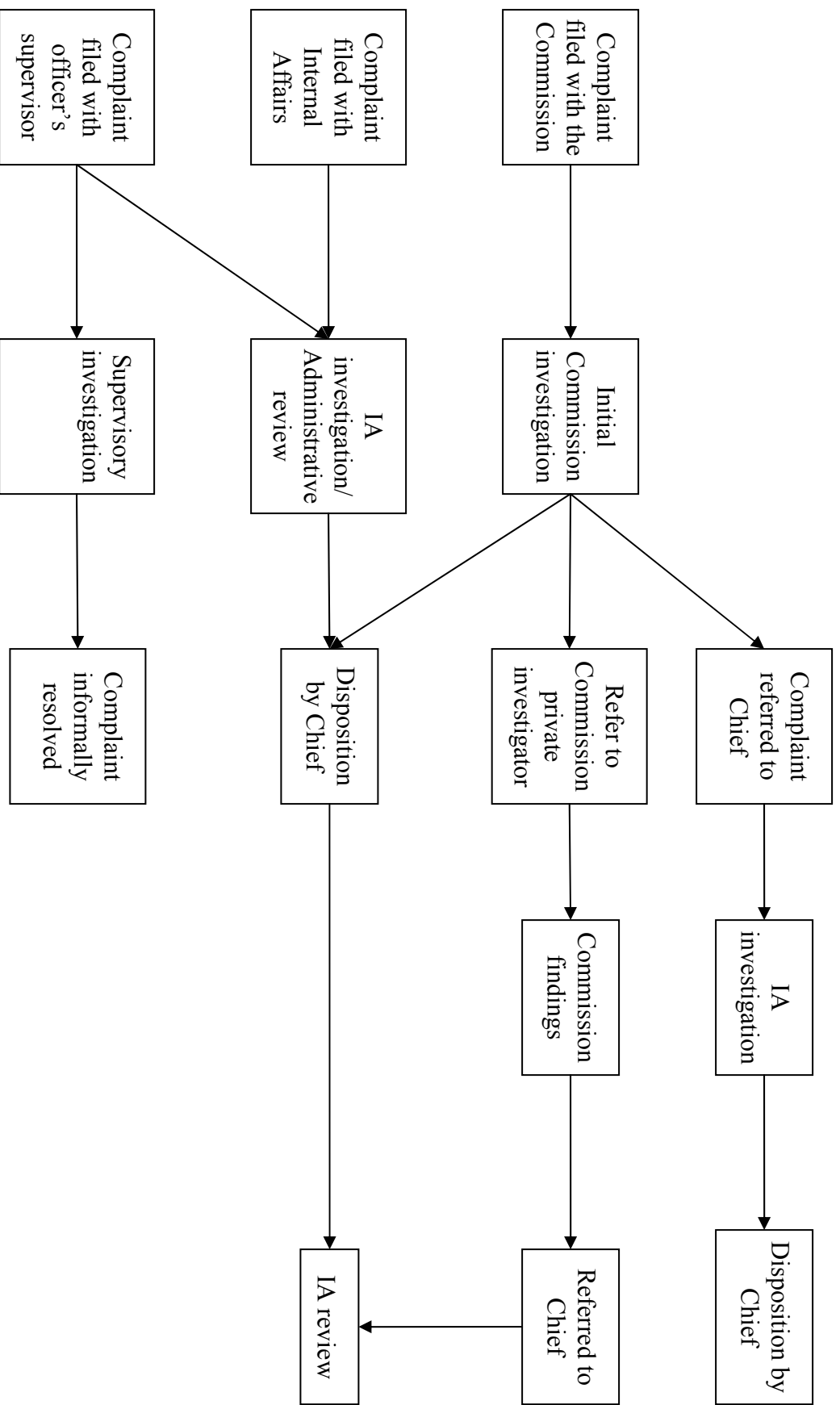
Other Functions: The Commission submits an annual report to the Mayor and Council.

Oversight/IA Interaction: The Commission has monthly meetings during which Internal Affairs representatives report on cases, both referred from the Police Commission and being investigated internally, independent of the Commission.

Agency History: Since the Commission's founding, the number of commissioners has increased from seven to nine. Additionally, in the early 1990's, the Commission was given investigative power and its location was moved away from the Department.

Contact Information: Police Commission  
25 Aupuni Street  
Room 200  
Hilo, HI 96720  
P: (808) 961-8412  
F: (808) 961-8563  
Web: [www.hawaii-county.com/police\\_commission/police\\_commission.htm](http://www.hawaii-county.com/police_commission/police_commission.htm)

## Hawaii County Police Commission Complaint Process



## **Kansas City, Missouri**

Agency: Board of Police Commissioners Office of Community Complaints

Jurisdiction: Kansas City (MO) Police Department

Population: 441,545

Department Size: 1,215

Annual Budget: \$400,000

Staff: 7

Structure: The Office of Community Complaints (OCC) is overseen by the Board of Police Commissioners (Board). The OCC is in a separate location from the Kansas City, Missouri Police Department. The Director of the OCC reports to the Board and supervises all OCC staff.

Subpoena power: No.

### **Complaint Process**

Intake: Complaints can be filed at the OCC, KCPD, other non-police facilities, or by mail within 90 days of the incident. Complaints cannot be filed over the telephone.

Complaints submitted in a manner other than in person must be verified by the complainant; unverified complaints are not investigated, nor are complaints that are related to a lawsuit. The OCC is immediately notified of all complaints filed with the Department.

Informal Resolution: If a complaint is filed at the Police Department, a commander or supervisor will attempt to resolve the complaint without a formal investigation. If a complaint filed at the Department cannot be resolved informally, the original complaint form is forwarded to the OCC. The OCC has the authority to close a complaint prior to an Internal Affairs investigation. The OCC can also close a complaint if the complainant does not cooperate. The OCC encourages conciliation or mediation at several points during the process.

Formal Investigation: The OCC conducts an initial interview with the complainant in order to correctly categorize each complaint. This can include reviewing medical records, taking photographs, or a request that an Internal Affairs detective take the initial formal statement. Once a complaint has been classified, it is forwarded to Internal Affairs for further investigation. OCC reviews each completed internal investigation. An OCC analyst prepares a memorandum which summarizes and recommends findings for each allegation raised in the complaint. This Summary is reviewed by the OCC Director and is forwarded to the Chief of Police and the Board of Police Commissioners. If the Chief and the Board of Police Commissioners agree with the analysis, the recommendation becomes the final determination. However, if the Chief and the Board of Commissioners disagree, the analysis is referred back to the OCC for reconsideration. The OCC provides the final determination for returned analyses except in cases where the Board of Police Commissioners has the authority to review and consider impasses between the OCC and the Department.

Findings: The OCC classifies findings as follows: sustained, not sustained, unfounded, and exonerated. If a complaint is sustained, it is forwarded to the Chief who can impose discipline or training.

Appeals: Within 30 days of the discovery of new evidence, complainants and officers may request the OCC Director to reconsider a decision. The appeal is limited to OCC's findings, not actions taken by the Chief.

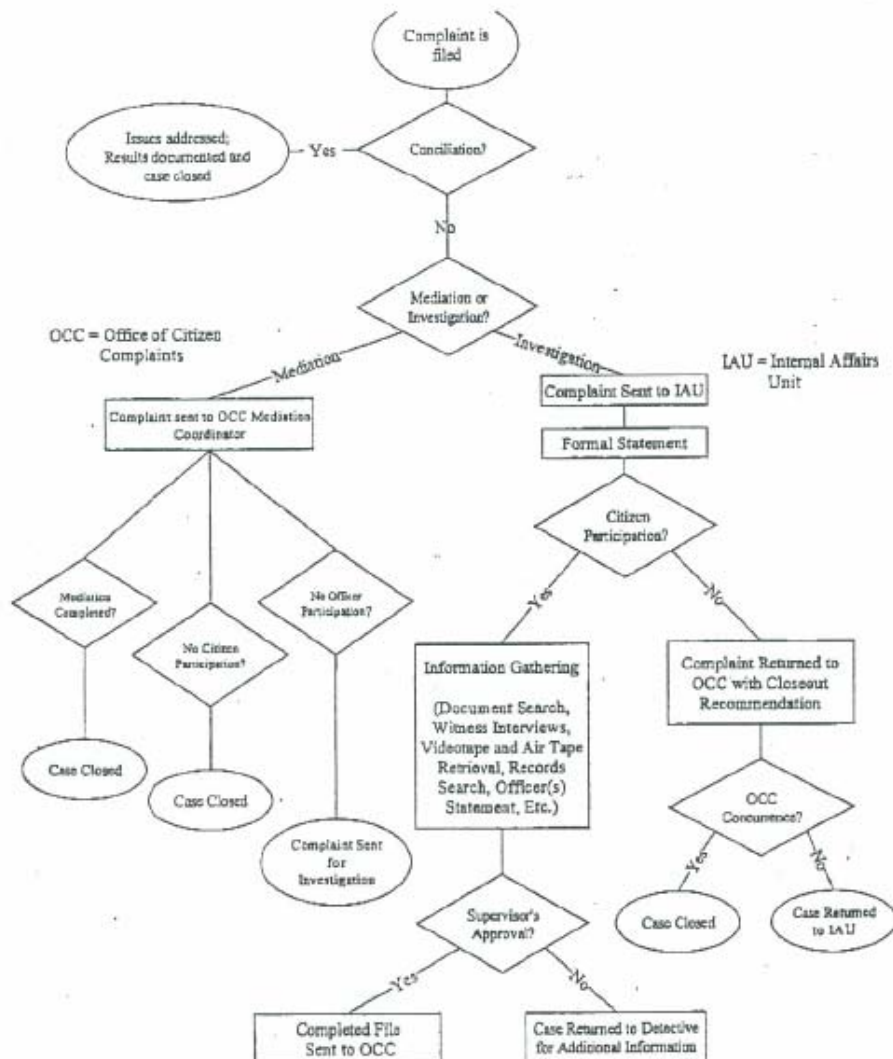
Other Functions: The OCC submits monthly reports on the status of active complaints and an annual report to the Board and Chief of Police. The OCC can also audit internal investigations. The OCC has the authority to refer an investigation back to IA for further investigation but cannot recommend discipline.

Agency History: The Office of Community Complaints was created in 1969 by the Board of Police Commissioners to receive and review complaints against the KCPD. The original title of the OCC (Office of Citizen Complaints) was changed to the Office of Community Complaints in 2003.

Additional Information: The Fraternal Order of Police in Kansas City views the OCC as an inconvenience. The union president stated that "OCC, to us, is kind of a necessary evil." He continued, "Nobody likes it. Nobody wants it. But our department and the community believe it is necessary politically." *Denver Post* July 4, 2004

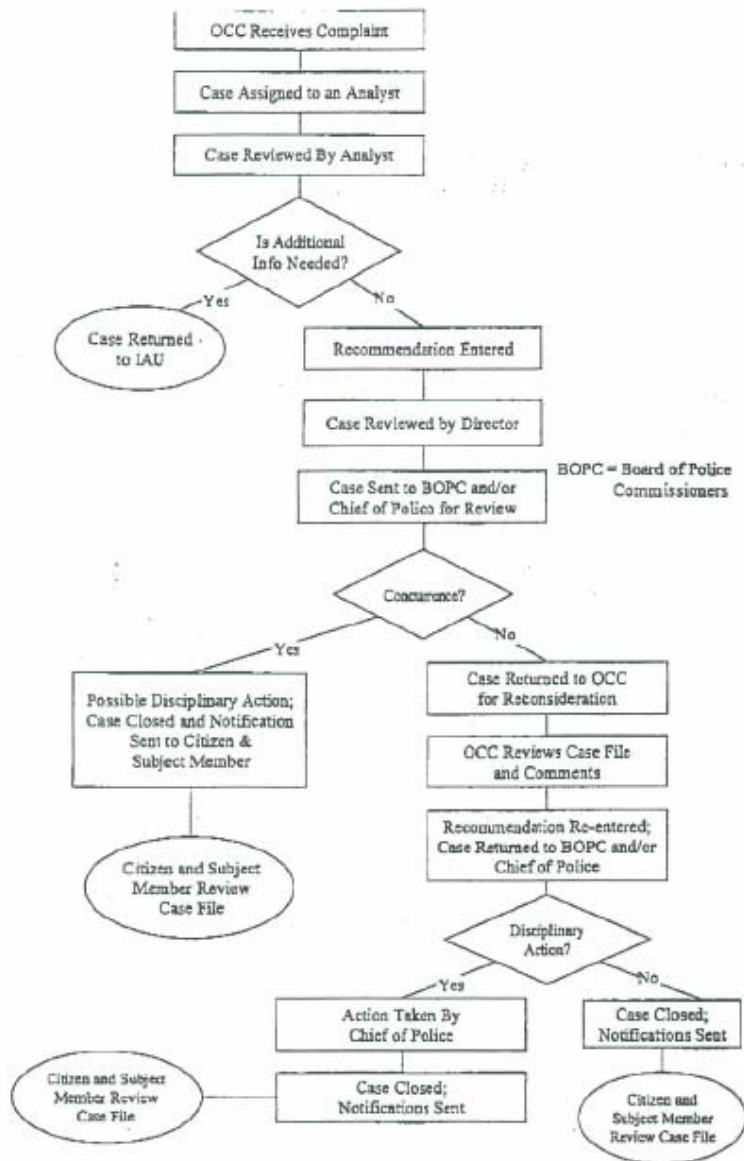
Contact Information: The Office of Community Complaints  
Century Towers  
Suite 2102  
635 Woodland Avenue  
Kansas City, Missouri 64106  
P: (816) 889-6640  
F: (816) 889-6649  
E: [communitycomplaints@kcpd.org](mailto:communitycomplaints@kcpd.org)  
Web: [www.kcpd.org/PoliceMisconduct.html](http://www.kcpd.org/PoliceMisconduct.html)

## Kansas City Office of Community Complaints (1 of 2)



Source: Office of Community Complaints

## Kansas City Office of Community Complaints (2 of 2)



Source: Office of Community Complaints



## **Minneapolis, Minnesota**

Agency: Minneapolis Civilian Police Review Authority

Jurisdiction: Minneapolis Police Department

Population: 382,618

Department Size: 850

Annual Budget: \$375,000

Staff: 4

**Structure:** The Civilian Police Review Authority consists of 11 members, six appointed by the City Council and five appointed by the Mayor, subject to approval by a majority of the City Council. Members serve four-year terms and may be removed by a majority vote of the City Council if ratified by the Mayor. Members must be residents of Minneapolis and are compensated \$50 for each day that they attend one or more meetings or hearings.

**Subpoena power.** No.

### **Complaint Process**

**Intake:** A complaint can be filed with the Review Authority or Internal Affairs, not both.

**Informal Resolution:** Mediation may be offered anytime after a formal complaint has been filed.

**Formal Investigation:** After intake, a Review Authority investigator conducts a preliminary investigation which involves an interview with the complainant and the filing of a signed complaint. The investigator interviews witnesses, collects and reviews evidence, and interviews charged and witness officers. Once the investigation is completed the investigator makes a recommendation to sustain or not sustain the allegations contained in the complaint based on a preponderance of the evidence. The summary and file are reviewed by the Review Authority's Manager who, in cooperation with the Board Chair, schedules the complaint for hearing. All complaints, regardless of the investigative findings, are scheduled for hearing.

**Hearings:** A panel of three board members hears each complaint. The complainant is invited, but not required to attend the hearing. At present, officers are required to attend the hearing. At the hearing, the officer and the complainant are invited to address the board panel for 10 minutes and to sit for questions. Upon conclusion of the hearing and review of the case file, the panel determines whether or not to sustain the complaint.

**Findings:** The panel can either sustain or not sustain a complaint. If sustained, the Police Department's disciplinary panel recommends discipline to the Chief. The Chief has final authority over disciplinary recommendations. The Chief cannot reverse a Review Authority finding.

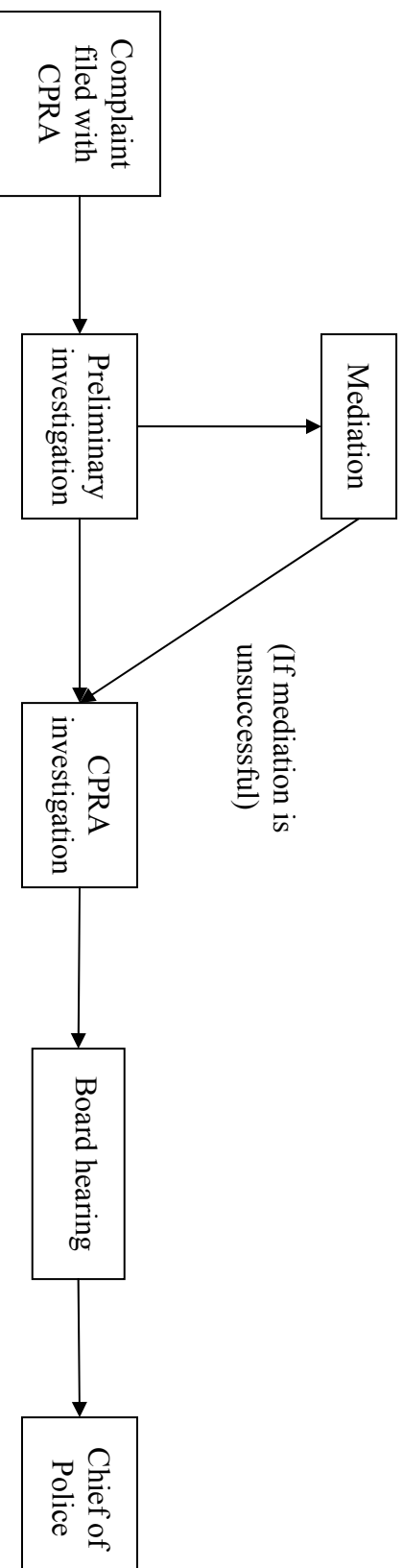
Appeals: Decisions not to sustain a complaint by the hearing panel can be appealed by the complainant in writing to the Review Authority within 30 days. Appeals are heard by the full board of eleven members. Both the complainant and subject officer(s) are allowed to address the Review Authority concerning the appeal. If the Review Authority determines that credible new evidence has been discovered, the complaint will be assigned for investigation to a Review Authority investigator. After completing the investigation, the Review Authority can sustain or reject the decision not to sustain a complaint. After the appeal, the complaint is forwarded to the Chief who will make the final disciplinary disposition.

Other Functions: The Review Authority provides a public forum during its monthly meetings for citizens to voice concerns regarding police activity/behavior. The Review Authority participates in reviewing the Chief and can make policy and training recommendations. It also submits quarterly reports to the Council's Public Safety and Regulatory Services Committee

Agency History: The current form of the Review Authority was created in 2003, a number of months following the dissolution of the prior oversight process.

Contact Information: Civilian Police Review Authority  
400 South Fourth Street  
Room 1004  
Minneapolis, MN 55415  
P: (612) 673-5500  
F: (612) 673-5510  
Web: [www.ci.minneapolis.mn.us/cra/index.asp](http://www.ci.minneapolis.mn.us/cra/index.asp)

## Minneapolis Civilian Police Review Authority (CPRA) Complaint Process



## **New York, New York**

Agency: New York Civilian Complaint Review Board

Jurisdiction: New York City Police Department

Population: 8,008,278

Department Size: 37,000

Annual Budget: \$10,035,235

Staff: 178 – 136 investigative staff, 37 administrative staff, 5 on leave

Structure: The Civilian Complaint Review Board consists of 13 members. Five members are designated by the City Council and appointed by the Mayor, three – with law enforcement experience – are designated by the Police Commissioner and appointed by the Mayor, and the remaining five are appointed solely by the Mayor. The Board establishes policy, reviews all CCRB investigations, makes findings on all allegations in every complaint, and recommends discipline. Complaints are reviewed by Board Panels, consisting of one Board member designated by the Mayor, one designated by the City Council, and one designated by the Commissioner. Board members serve three-year terms and receive compensation on a per-diem basis. The Board hires the Executive Director.

Subpoena power: Yes.

Events/conditions precipitating creation of oversight mechanism: The current all-civilian review board was created in 1993 in response to an incident involving the Department's enforcement of a city curfew that led to significant violence by the police against curfew violators in a park and bystanders. A report that demonstrated that an inadequate effort was made by the NYPD to limit the use of force led to moving the review board outside the Police Department and requiring that all its members be civilians.

### **Complaint Process**

Intake: Complaints can be filed by telephone, in person at the CCRB office or the NYPD, online, by mail, or by calling 311, a city non-emergency number for governmental queries. The CCRB's jurisdiction is limited to allegations of excessive or unnecessary use of force, abuse of authority, discourtesy, and offensive language. Complaints about corruption or neglect of duty are investigated by the NYPD. Complaints filed with the NYPD that are within the CCRB's jurisdiction are referred to the Board. Conversely, the CCRB refers complaints outside its jurisdiction to the NYPD.

Informal Resolution: The CCRB offers mediation, for the following types of complaints: allegations of improper stops, frisks and searches, mild physical force, threats, refusal to identify, improper stops, and discourteous or offensive language. A supervisor, upon review of the complaint, may instruct the investigator to offer mediation.

Formal Investigation: Once a complaint is received by the Team Manager or supervisor, it is assigned to an investigator. Investigators locate and interview the complainant, victims, and all witnesses. Complainants are contacted within 24 hours of filing a

complaint and are interviewed in person. If a complainant or victim(s) cannot be contacted, are uncooperative, will not make a formal statement, or the complaint is withdrawn, a complaint can become a truncated case. Truncated cases are those which are closed before a full investigation is completed. Truncated cases can be re-opened for full investigation. Investigators also review all documentary evidence including court-related records and police reports. If necessary, investigators can subpoena medical records. Subject officers are required to appear and answer questions during a CCRB investigation. After the investigation is complete, investigators write a closing report that includes a summary and analysis of the complaint. The report is submitted to Team management which then forwards the case to the Case Management Unit. The Case Management Unit assigns the case to a Board Panel. A Board Panel consists of three Board members who read the investigatory file, and vote on the disposition of every allegation. Substantiated cases are forwarded to the Police Commissioner for discipline.

Findings: The CCRB classifies findings in the following manner: substantiated, exonerated, unfounded, unsubstantiated, officer unidentified, mediated, mediation attempted, referred to other (City) agency, or miscellaneous. Officers named in substantiated complaints must be disciplined or served with disciplinary charges within 18 months of the date of the incident.

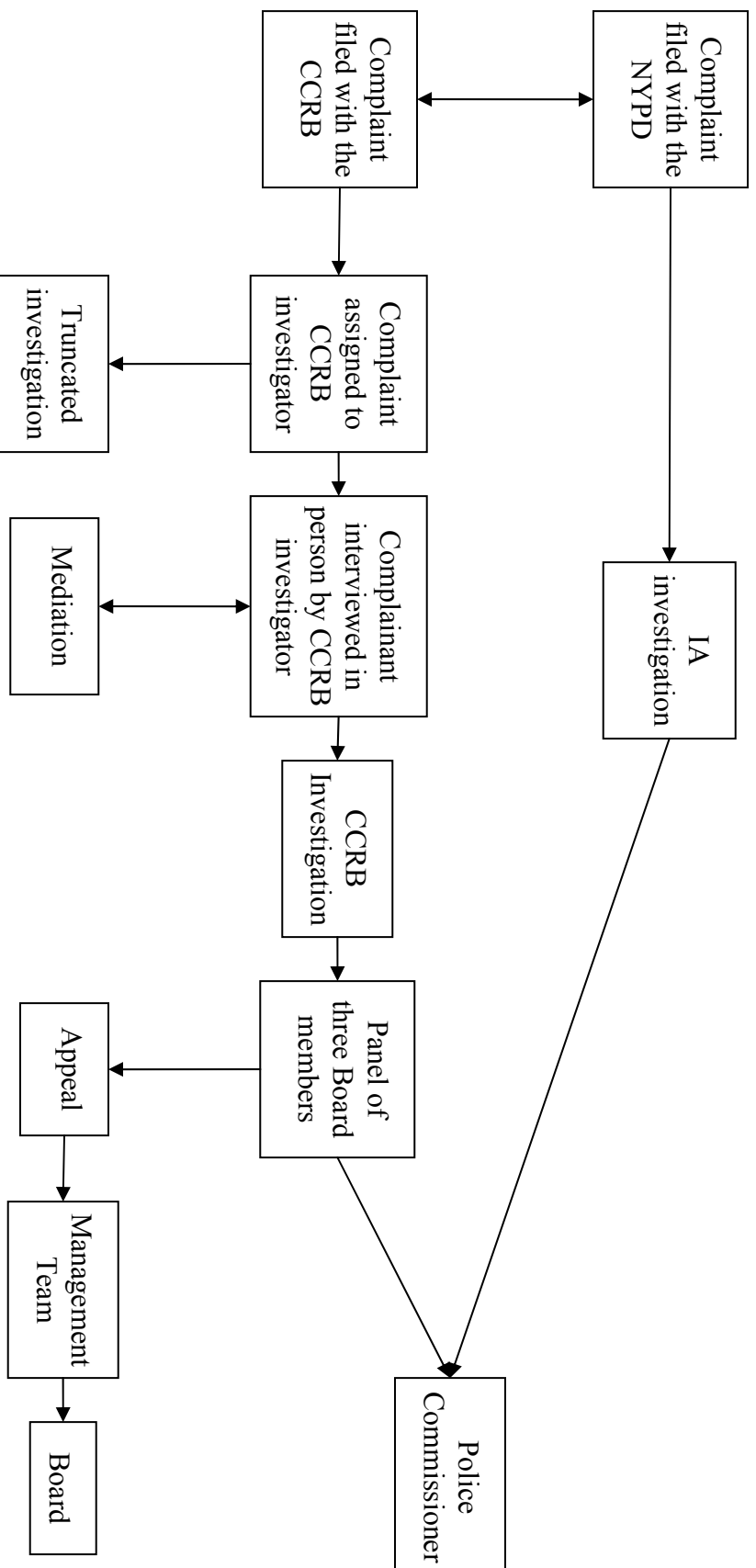
Appeals: After being notified of a complaint's resolution, a complainant may present new information, new witnesses, or new evidence regarding the allegations to the CCRB staff. The original management team that investigated the complaint then reviews the case and makes recommendations to the full Board.

Other Functions: The Board is responsible for reporting to the Commissioner patterns of misconduct uncovered through complaint investigations, for making and issuing policy recommendations, and for developing an outreach program to educate the public on the CCRB's purpose and services provided. The Board issues semiannual reports to the Mayor, City Council, and the public.

Oversight/IA Interaction: The Board's principal interaction with IA is through document requests. This is sometimes an efficient process and other times laborious. The Board generally, however, has developed a good working relationship with the NYPD.

Contact Information: Civilian Complaint Review Board  
40 Rector Street  
2<sup>nd</sup> Floor  
New York, NY 10006  
P: (212) 442-8833  
F: (212) 442-8800  
Web: [www.nyc.gov/html/ccrb/](http://www.nyc.gov/html/ccrb/)

## New York Citizen Complaint Review Board (CCRB) Complaint Process



## **Richmond, California**

Agency: Police Commission

Jurisdiction: Richmond Police Department

Population: 101,373

Department Size: 203

Annual Budget: \$200,000

Staff: 1 investigator, 1 support staff

Structure: The Police Commission consists of nine Commissioners. Commissioners are appointed by the Mayor who consults with the City Council on all appointments. Commissioners serve a term of three years and do not receive compensation.

Subpoena power: Yes.

Events/conditions precipitating creation of oversight mechanism: Two African-American males were killed during incidents with police in the early 1980's. Additionally, several lawsuits filed by the NAACP led to a consent decree and the creation in 1984 of the Police Commission. All major stakeholders had input into the specific form, powers, and duties of the Commission.

### **Complaint Process**

Intake: Only complaints of unnecessary or excessive force or racially abusive treatment by a Richmond police officer can be filed with the Commission. The Commission does not have original jurisdiction, but does have appellate jurisdiction, over non-force or other misconduct complaints. All other complaints must be filed with Professional Standards or will be referred to PS by the Commission. Complaints must be filed with the Commission in writing, signed by the complainant, within 45 days of the incident. Copies of complaints filed with the Commission are immediately forwarded to the Chief.

Formal Investigation: Complaints are investigated by an Investigative Officer, who interviews the complainant, subject officer(s), and all witnesses.

Findings: The Investigative Officer submits findings and recommendations to the Commission. Upon receiving oral or written findings and recommendations from the Officer, the Commission can order further investigation by the Officer, forward the findings and recommendations to the Chief, or conduct a hearing. Findings are as follows: sustained, not sustained, exonerated, and unfounded.

Hearings: Commission hearings are public. During hearings, complainants, police officers, and witnesses are questioned by the Commission without cross-examination. The Commission submits its findings and recommendations to the Chief within 30 days of the hearing.

Appeals: Appeals of dispositions by the Department for all complaints, except excessive or unnecessary force or racially abusive treatment, may be filed with the Commission

within ten days of receiving notification from the Chief of the final disposition. Appeals are investigated by the Investigative Officer who submits findings and recommendations to the Commission either orally or in writing. The Commission can either order further investigation or forward its findings and recommendations for discipline based upon the report of the investigator to the Chief. The Commission is not bound by the investigator's recommendations. Findings for appeals are as follows: sustained, not sustained, exonerated, and unfounded.

Other Functions: The Commission reviews the policies, practices, and procedures of the Department and makes recommendations to the Chief. The Chief must respond to the Commission's recommendations within 30 days. If the Commission is unsatisfied with the Chief's response, it can submit its recommendations to the City Manager. The City Manager must respond within 30 days. If the Commission is dissatisfied with the City Manager's response, it can submit its recommendations directly to the City Council for action.

Agency History: Established in 1984 as an independent body separate from the Richmond Police Department.

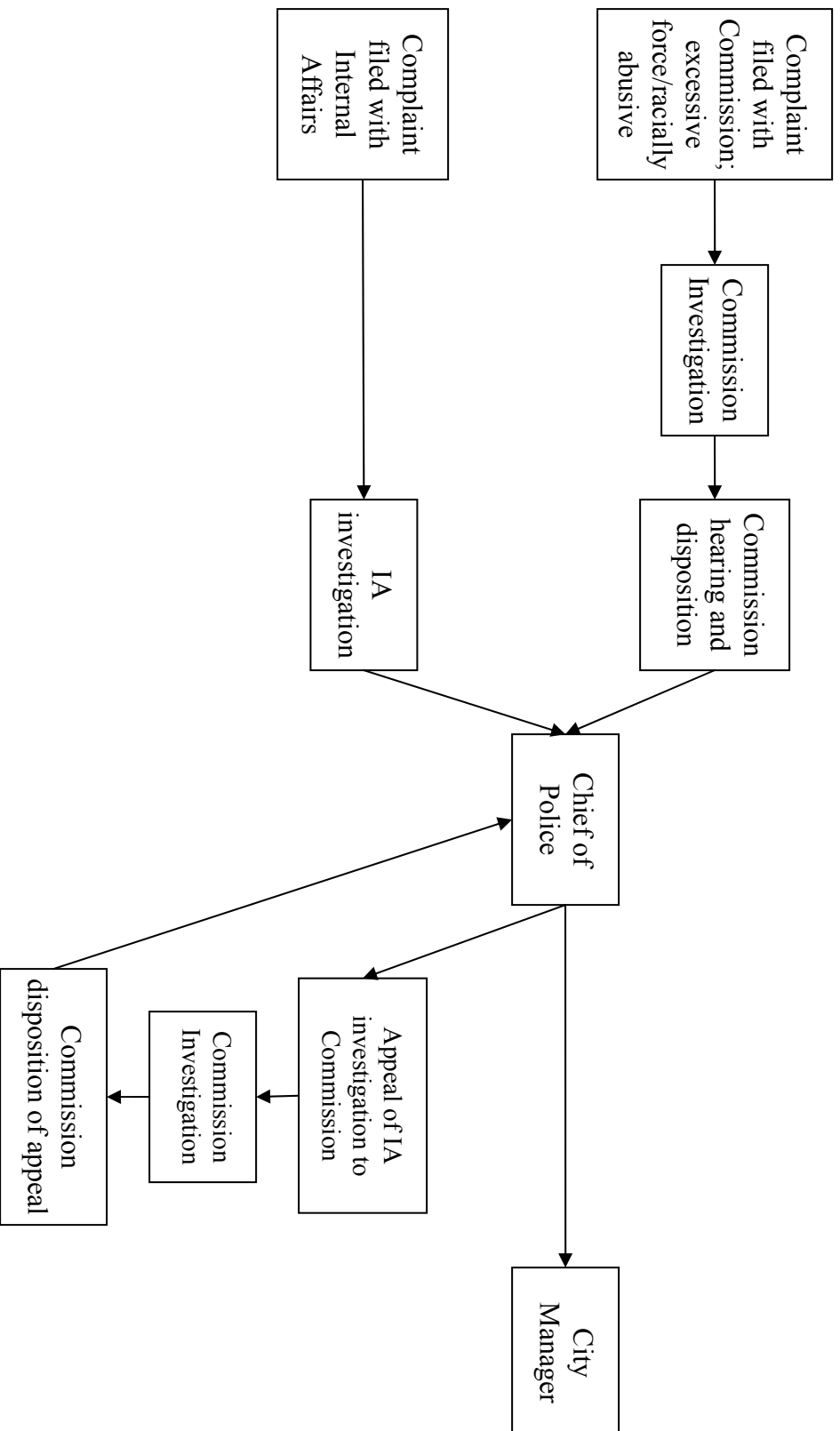
Working Relationship with police department, city officials, community members, etc.: The Investigative Officer indicated that the Commission has a good relationship with the rank and file officers of the Department and a cohesive relationship with the city officials. It, however, does not have a good relationship with the Police Officers Association. In contrast to his immediate predecessor, the current Chief is very supportive of the Commission and civilian oversight in general. Some on the City Council are more supportive of the union than of the Commission. The Commission does, however, have the support of the community.

Additional Information: The investigator believes that it is crucial to have the City Attorney involved in the process of drafting of the enabling legislation for an oversight agency.

Contact Information: Police Commission  
330 25<sup>th</sup> Street  
Second Floor  
Richmond, CA 94804  
P: (510) 620-6542  
F: (510) 231-3061  
Web: [www.ci.richmond.ca.us/Public/police\\_commission.htm](http://www.ci.richmond.ca.us/Public/police_commission.htm)



## Richmond Police Commission Complaint Process



## **Salt Lake City, Utah**

Agency: Police Civilian Review Board

Jurisdiction: Salt Lake City Police Department

Population: 181,743

Department Size: 404

Annual Budget: \$100,000

Staff: 1 investigator

Structure: The Police Civilian Review Board consists of 14 members, two from each of the seven City Council districts. Board members serve three-year terms, with a two-term maximum. The Board can investigate all types of misconduct complaints but investigates all complaints of excessive force concurrently with Internal Affairs. Additionally, the Board can audit and review internal investigations.

Subpoena power: No.

### **Complaint Process**

Intake: Complaints must first be filed with Internal Affairs and then must be filed with the Board within four business days. The Board does not have jurisdiction over complaints that do not meet those filing requirements. Complaints may be filed over the telephone, in person, online (in the near future), or by mail. The Board automatically receives all complaints alleging excessive force, even if a complaint has not been filed with the Board. The Board will always conduct an investigation of excessive force complaints. Complaints are categorized as Category I (more serious allegations, including use of force, harassment, threats, civil rights violations, and criminal conduct) or Category II (complaints of profanity, inconsiderate behavior, dispatch-related complaints, improper vehicle impounds, and traffic/parking violations). Requests for the audit or review of internal investigations must be filed within 30 days of notification of the Department's findings. The request must be filed in person, in writing, or by mail to the Office of the Mayor.

Informal Resolution: Mediation is not offered.

Formal Investigation: An investigation is initiated if at least five Board members vote for one. A full-time investigator is responsible for conducting the investigation and reporting to a panel of the Board. Investigations conducted by the Board are concurrent with internal investigations. The Board investigator has access to all IA information related to complaints. The investigator can conduct interviews of complainants, witnesses, or officer(s) independent of IA; however, the investigator can also attend IA interviews and record them whenever possible.

Findings: After the investigation has been concluded, the Board panel, based on the recommendations of the investigator, issues findings. The Board classifies findings as follows: unfounded, exonerated, no determination is possible, and sustained. If sustained, the Board also makes a recommendation to the Chief regarding appropriate discipline.

Officers' complaint histories may be considered by the Board, but only in regard to recommending discipline, training, etc. to the Chief. Since IA also investigates complaints, the Board's findings are advisory and the Chief is not required to accept the Board's recommendations.

Appeals: There are no appeals from the Board's advisory decisions.

Other Functions: The Board reviews completed IA investigations and produces quarterly reports. For this purpose, the Board can only review redacted files (i.e., with names removed).

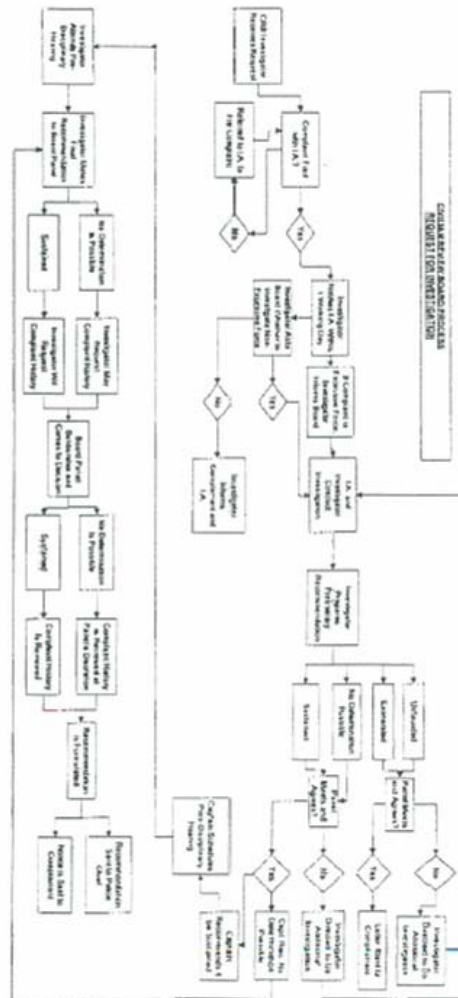
Oversight/IA Interaction: According to the Board Investigator, the Board has a close, positive working relationship with IA, with which it does side-by-side investigations.

Agency History: The Board was created in 2001 and began functioning in 2003. When it was originally created the Board did not have investigative power. The current form of the Board does have independent investigative power. Additionally, the past form of the Board was able to review internal investigations if the complaint was not sustained. The Board (and the union) found this to be in violation of the Memorandum of Understanding between the union, the Department, and the Board. That portion of the ordinance was repealed.

Working Relationship with police department, city officials, community members, etc.: The Board Investigator indicated that the Mayor supports the Board and the Board has a good relationship with the Police Department.

Contact Information: Police Civilian Review Board  
451 South State Street  
Room 532  
Salt Lake City, UT 84111  
P: (801) 535-6400  
F: (801) 535-6643  
Web: [www.slcgov.com/civilianreview/](http://www.slcgov.com/civilianreview/)

# Salt Lake City Civilian Review Board



Source: Salt Lake City Civilian Review Board

## **San Francisco, California**

Agency: Office of Citizen Complaints

Jurisdiction: San Francisco Police Department

Population: 776,733

Department Size: 2,200

Annual Budget: \$2,907,712

Staff: 32 – 16 line investigators (the City Charter requires one investigator for every 150 sworn officers), Director, Chief Investigator, three senior investigators, two attorneys, policy/outreach specialist, eight clerical, accounting and database/statistical personnel.

Structure: The OCC has sole jurisdiction over citizen-initiated complaints relating to misconduct. The Office of Citizen Complaints (OCC) reports to the Police Commission. The Commission is comprised of five members, appointed by the Mayor and confirmed by the Board of Supervisors. The Commission appoints the Director of the OCC with approval of the Mayor and Board of Supervisors. The Director can be removed by the Commission. The Commission has the principal disciplinary authority for the SFPD. The Chief, however, has the authority to impose discipline not more serious than a ten-day suspension. The OCC has exclusive jurisdiction over civilian-initiated complaints of misconduct. The OCC issues special policy recommendation reports.

Subpoena power: Yes.

Events/conditions precipitating creation of oversight mechanism: The OCC was created by the voters in 1983 after a community coalition placed the initiative on the ballot. Subsequent ballot initiatives strengthened the OCC. In 1996, the charter was amended to guarantee minimum funding for the OCC. In 2003, a high-profile altercation involving off-duty officers and an alleged cover-up that led to criminal charges (many dismissed) against much of the Department's hierarchy led to the adoption of new rules governing the Police Commission and the Office of Citizen Complaints.

### **Complaint Process**

Intake: Complaints can be filed with the OCC in person, by mail, telephone, or facsimile. Complaints may also be filed at Management Control Division (Internal Affairs) and at community locations. MCD has sole jurisdiction over officer-initiated complaints. Once a complaint has been filed with the OCC it is assigned to an intake investigator who interviews the complainant by telephone or in person.

Informal Resolution: The OCC offers mediation.

Formal Investigation: The investigator interviews officers, witnesses, and reviews reports and other evidence. A team of OCC supervisors reviews all completed OCC investigations to make certain of the accuracy and compliance with Police Commission standards. It is San Francisco Police Department policy that officers cooperate with OCC investigations. The investigator sends a preliminary disposition letter to the complainant

and officer(s). The complainant and officer(s) have a right to meet with the investigator to review the investigative process.

Hearings: There are two levels of hearings, a Chief's hearing and a Police Commission hearing. Police Commission hearings involve officer appeals, cases forwarded by the Chief, cases that involve harsher discipline than a ten-day suspension, cases involving a difference in the findings of the OCC and the Chief, and DUI and domestic violence cases from MCD. Chief's hearings handle the balance of hearings on complaints. A Chief's hearing is informal and involves an OCC attorney, the subject officer, a union representative, and the officer's captain. Chief's hearings are run by the Management Control Division. Police Commission hearings are formal hearings where an OCC trial attorney prosecutes and a union or private attorney defends. Discipline is imposed if an allegation is sustained.

Findings: OCC findings are as follows: sustained, not sustained, proper conduct, unfounded, policy failure, supervision failure, training failure, information only, no finding, or mediated. OCC's findings cannot be overturned by the Department but can be overturned by the Commission. OCC's findings are reviewed by MCD. If MCD disagrees with the findings and no consensus between MCD and OCC is reached, the sustained finding remains in the officer's file; however, no discipline is imposed. Discipline can be imposed if the Chief submits the case to the Commission for a hearing.

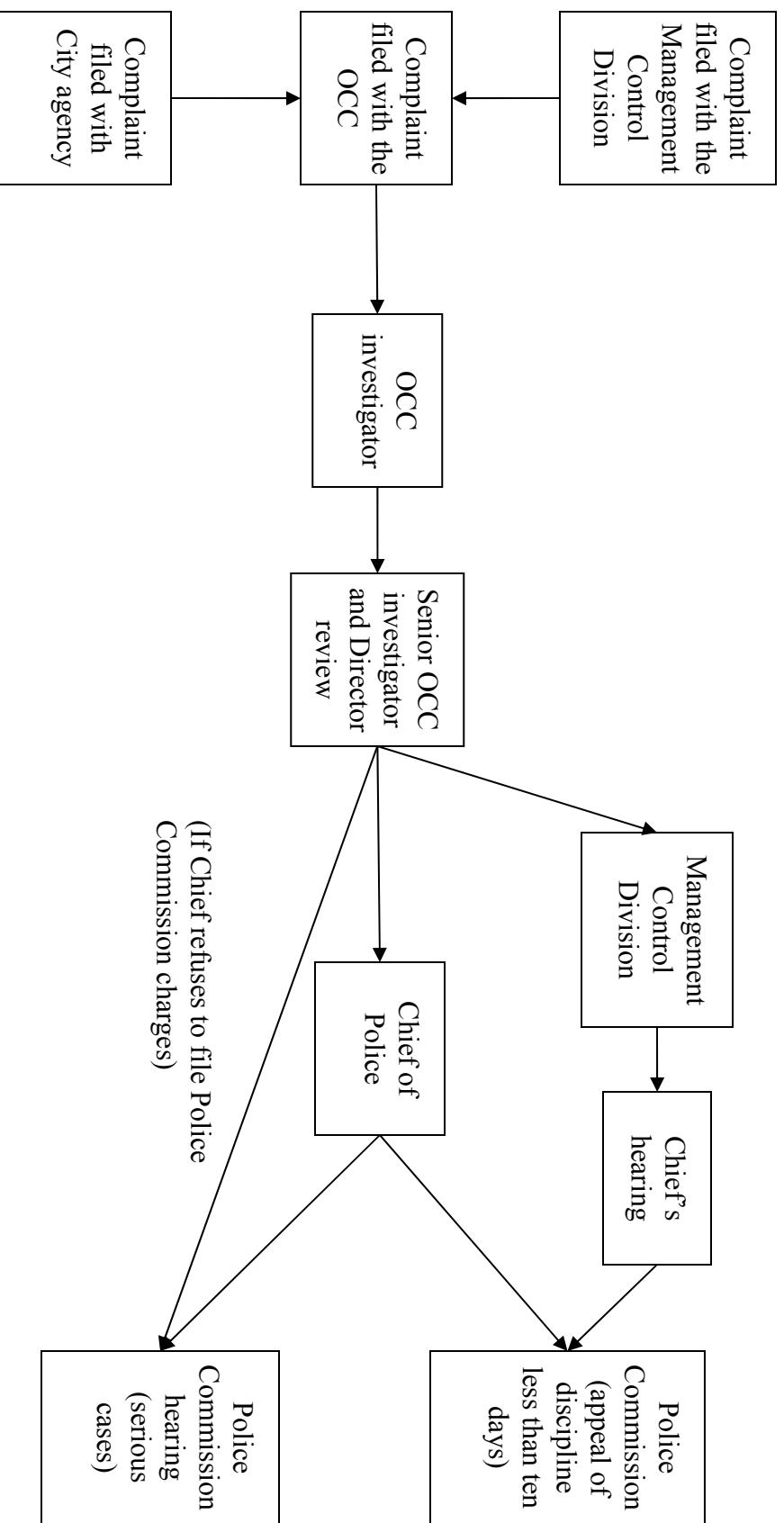
Appeals: The officer can appeal a Chief's hearing decision to the Police Commission.

Other Functions: The OCC acts as an early warning system by reporting to the SFPD every three to six months concerning officers who compile three or more OCC complaints within the previous six months or four or more complaints within a year. Additionally, the OCC reviews and makes recommendations regarding SFPD policies and procedures.

Working Relationship with police department, city officials, community members, etc.: The Commission and union (Police Officers Association) have a tense and volatile relationship. Union members and the Commission are at times publicly antagonistic and this relationship seems unlikely to improve in the near future. *San Francisco Chronicle* October 4, 2004.

Contact Information: Office of Citizen Complaints  
480 2<sup>nd</sup> Street  
#100  
San Francisco, CA 94107  
P: (415) 597-7711  
F: (415) 597-7733  
Web: [www.sfgov.org/site/occ\\_index.asp?id=444](http://www.sfgov.org/site/occ_index.asp?id=444)

## San Francisco Office of Citizen Complaints (OCC) Complaint Process



## Seattle, Washington

Agency: Office of Professional Accountability

Jurisdiction: Seattle Police Department

Population: 563,374

Department Size: 1,240

Staff: Director, Captain, Lieutenant, and six Sergeants

Structure: The Office of Professional Accountability, which handles the intake and investigation of complaints, is a part of the Police Department. The civilian OPA Director is appointed by the Mayor and confirmed by the City Council. The OPA Director reports to the Chief of Police, and also reports to the Mayor and City Council about OPA and Department activities, policies, and procedures.

### Complaint Process

Intake: Complaints may be filed either with the OPA or with the Citizen Services Bureau at City Hall. After intake the OPA Director classifies complaints as follows:

- Contact Logs – inquiries about policies, referrals, or requests for information not assigned for investigation.
- Supervisory Referral – complaints that indicate a training failure instead of misconduct. These are assigned to the subject officer's immediate supervisor for review or provision of additional training.
- Line Investigations – minor misconduct complaints assigned to the subject officer's chain of command for investigation.
- OPA-IS (Investigation Section) investigation – more serious complaints including all use-of-force complaints that are investigated by the Office of Professional Accountability Investigation Section.

Informal Resolution: None.

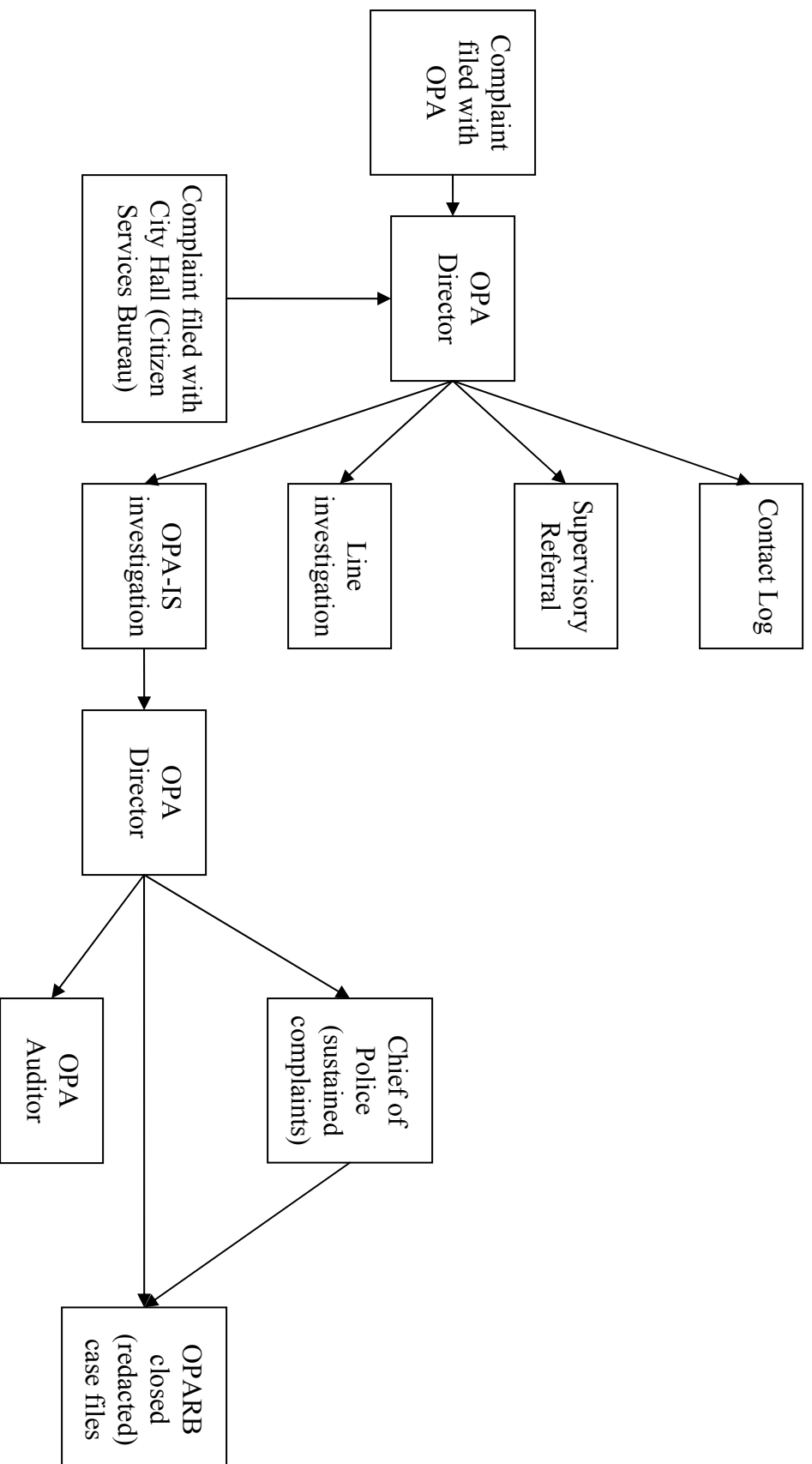
Formal Investigation: Complaints classified as OPA-IS investigations are investigated by sergeants in the OPA investigation unit. Complaints otherwise classified are investigated by line supervisors. The completed investigation is forwarded to the Director who may agree with the findings, direct further investigation, or recommend different findings. The Director makes the final departmental decision on all complaints other than those which are sustained, which are sent to the Chief for discipline. The OPA Auditor reviews redacted files of complaints and OPA investigations after the Director has acted on them. The OPA Review Board (OPARB) reviews closed, redacted files following final action by the Department.

Agency History: The OPA was created in 1999 by the Seattle City Council and its first civilian Director was appointed in 2001.



Contact Information: Office of Professional Accountability  
Police Headquarters  
610 Fifth Avenue  
P.O. Box 34986  
Seattle, WA 98124  
P: (206) 615-1566  
F: (206) 233-5139  
E: [opa@seattle.gov](mailto:opa@seattle.gov)  
Web: [www.cityofseattle.net/Police/OPA/default.htm](http://www.cityofseattle.net/Police/OPA/default.htm)

## Seattle Office of Professional Accountability (OPA), OPA Review Board (OPARB), and OPA Auditor Complaint Process



## **Evaluative and Performance-Based Models**

### **Appendix 4**

## **Boise, Idaho**

Agency: Office of the Community Ombudsman

Jurisdiction: Boise Police Department; Boise Airport Police; Boise Parking Enforcement; Boise Code Enforcement

Population: 181,711

Department Size: 280

Annual Budget: \$250,000

Staff: 3

Structure: The Boise Ombudsman is appointed by the Mayor and confirmed by the City Council. The Ombudsman may be removed from office upon a recommendation from the Mayor and a majority vote of the Council. The Ombudsman reports directly to the Mayor and City Council.

Subpoena power: No, but can compel officers to give testimony that can only be used in administrative proceedings.

Events/conditions precipitating creation of oversight mechanism: During 20 months from 1996 to 1997, eight fatal police shootings occurred. The shootings led to demands for oversight and the community reaction caused unhappiness in the police union over perceived lack of support. The police also had a very strained relationship with young people in the community. These events and conditions coincided with the rapid growth of the city and the Police Department that led to recruiting officers from other communities where they had been trained in a different style of policing.

### **Complaint Process**

Intake: Complaints can be filed with the Ombudsman by mail, telephone, facsimile, in person, or online. Complaints can also be filed with the Boise Police Department. Complaints must be filed within 90 days of the incident. Once filed, complaints are classified by the seriousness of the alleged offense. The Office of the Community Ombudsman classifies complaints as either Class I or Class II. Class I complaints are complaints which, if sustained, constitute a serious violation that could result in criminal charges and/or serious discipline. Class II complaints include lesser offenses such as general demeanor or selective enforcement.

Informal Resolution: Class II complaints may be investigated by the officer's immediate supervisor in lieu of a formal investigation. The Ombudsman may issue findings based on the report from the officer's supervisor. Alternatively, the Ombudsman may conduct further investigation and then issue findings.

Formal Investigation: Investigations are conducted by the entity that received the complaint. The Ombudsman, if appropriate, may refer a complaint to Internal Affairs for investigation and case management. All interviews during a Class I investigation must be recorded. Class II complaints, not referred to the officer's supervisor, are handled in the same manner except that interviews are not required to be recorded. However, as a

practical matter, the Ombudsman's office records all interviews, regardless of classification. Investigations generally will be completed within 30 days. The Ombudsman reviews all Class I investigations and at least half of the Class II investigations conducted by the police. The Ombudsman may also review any ongoing or completed internal investigation.

Findings: Findings are: exonerated, no finding, not sustained, sustained, and unfounded.

Appeals: Appeals of completed Internal Affairs investigations must be filed with the Office of the Community Ombudsman within 30 days. The Ombudsman may conduct further investigation and issue findings. Investigations initiated by an appeal are conducted in accordance with the same guidelines as those governing primary investigations conducted by the Ombudsman. Dispositions of appeals are reviewed by the Chief of Police.

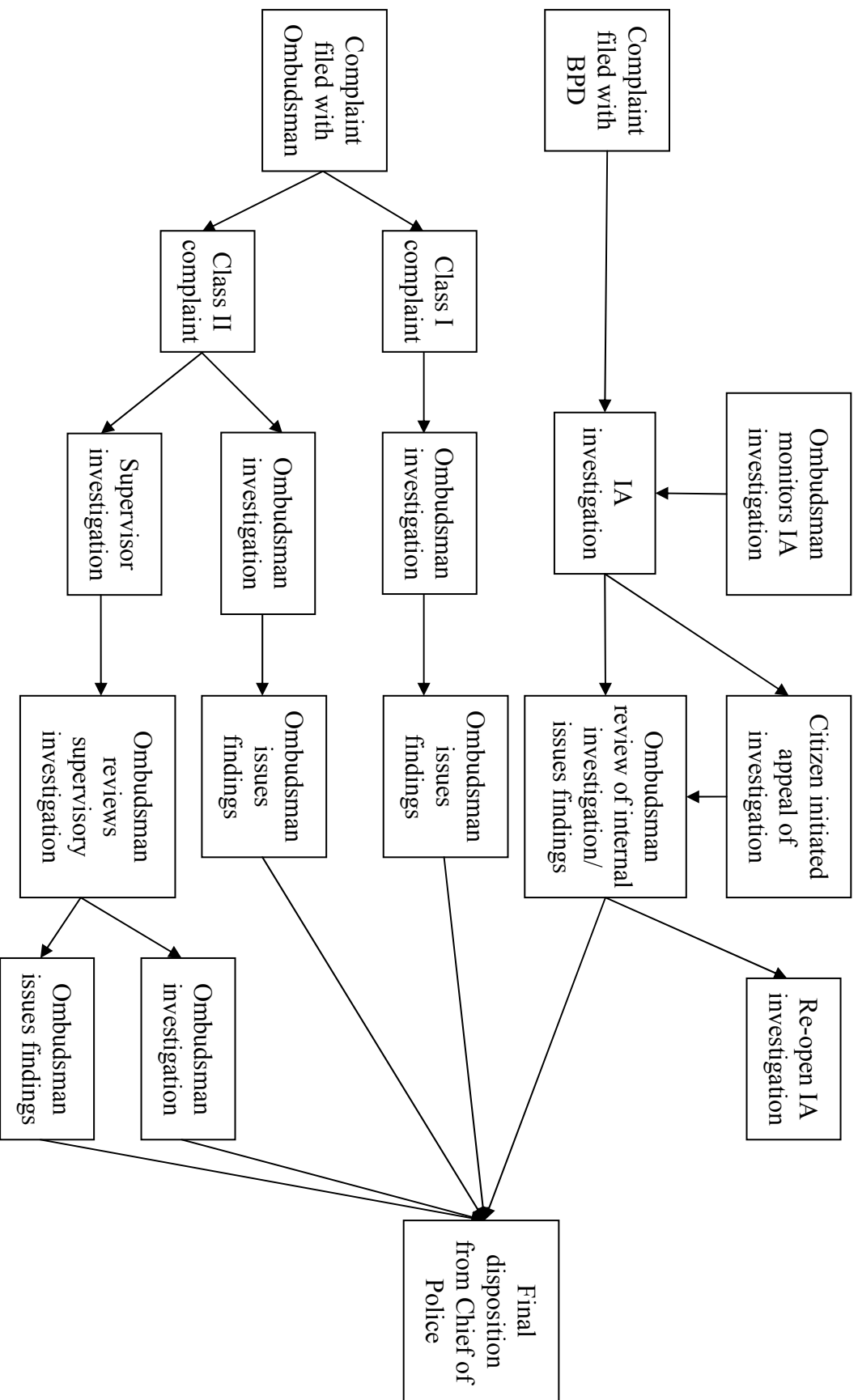
Other Functions: If during the course of a formal investigation new allegations unrelated to the original allegations are discovered, a new investigation, independent of the original investigation, will be conducted. The Ombudsman can reopen and further investigate any complaint filed with his office or the Boise Police Department. The Ombudsman submits semi-annual reports to the City Clerk, the City Council, and the Mayor. The Ombudsman also makes policy recommendations, analyzes trends in complaints, reviews completed internal investigations, and monitors ongoing internal investigations.

Working Relationship with police department, city officials, community members, etc.: The relationship between the Office of the Community Ombudsman and the Department has been professional and functional from the start; however, the degree of collaboration between them has been somewhat dependent on the approach taken by the particular Chief in office at the time. While both the Department and the union publicly opposed the creation of the Ombudsman, the Ombudsman reports that all parties involved are able to work together effectively. The Ombudsman meets on a monthly basis with the mayor and two members of the City Council to keep lines of communication open. In addition, the City Attorney's Office provides legal support to the Ombudsman, except in cases where a conflict exists. An outside law firm is under contract to provide legal counsel to the ombudsman when a conflict is declared. The Ombudsman reports that he has found it particularly challenging to maintain contacts and sustained relationships with the broader Boise community. He identified this as an area where he felt improvement could be made.

Additional Information: Because the office is completely independent, the Ombudsman perceives it as isolated, having neither a constituency to answer to nor to advocate for it. The Ombudsman stated that he would like to have a small group of residents who are very familiar with the work of the Ombudsman and able to engage in the public debate in the interest of the Ombudsman. The Ombudsman also noted that the office is under-funded and under-staffed, precluding investigation of less serious complaints.

Contact Information: Office of the Community Ombudsman  
150 N. Capital Boulevard  
P.O. Box 500  
Boise, ID 83701  
P: (208) 395-7859  
F: (208) 395-7878  
E: [mailbox@boiseombudsman.org](mailto:mailbox@boiseombudsman.org)  
Web: [www.boiseombudsman.org/index.html](http://www.boiseombudsman.org/index.html)

## Boise Office of the Community Ombudsman Complaint Process



## **Los Angeles County, California**

Agency: Special Counsel to the Board of Supervisors

Jurisdiction: Los Angeles County Sheriff's Department

Population: 10,103,000

Department Size: 8,500

Annual Budget: \$200,000

Staff: 3 to 15 (depending upon complexity of assignment), working on a consultant basis

Structure: Special Counsel is a lawyer engaged pursuant to a contract with the Board of Supervisors to provide semiannual reports to the Board, Sheriff, and the general public on the Department's implementation of recommendations to reduce the risk of police misconduct and illegal or unconstitutional behavior. Special Counsel's communications to and from the Board of Supervisors are confidential and privileged.

Subpoena power: Yes (must be requested from the Board of Supervisors).

Events/conditions precipitating creation of oversight mechanism: Four controversial shootings of African-American and Latino men in the summer of 1991 created public pressure for a blue ribbon investigation of the Sheriff's Department that came to be known as the Kolts Report. The current Special Counsel was selected in 1992 to oversee implementation of the Kolts recommendations.

### **Oversight/Evaluation Process**

Special Counsel has unfettered access to all records, data, and personnel within the Department and may investigate and report on any topic bearing upon potential liability or risk for the County from the actions of the Sheriff's Department. Special Counsel reviews data and files to identify patterns and practices of police misconduct and systemic failures which caused these patterns to persist.

Contact Information: Special Counsel to the Board of Supervisors

Police Assessment Resource Center

520 S. Grand Avenue

Suite 1070

Los Angeles, CA 90071

P: (213) 623-5757

F: (213) 623-5959

Web: [www.parc.info](http://www.parc.info)



## **Omaha, Nebraska**

Agency: Office of the Public Safety Auditor

Jurisdiction: Omaha Police Department

Population: 390,007

Department Size: 764

Annual Budget: \$150-200,000 (privately funded)

Staff: 1 auditor, 1 staff auditor assistant (position funded by the Mayor's Office), and 1 administrative assistant

**Structure:** The Public Safety Auditor (PSA) reports to the Auditing Committee – the Mayor, Chief of Police, Chief of Fire, and the City Council – which can hire and fire the Auditor. The city-funded portion of the PSA's budget is included in the Police and Fire Departments' budgets. The Auditor's Advisory Committee helps the Auditor by gathering information, facilitating public outreach, and otherwise supporting the PSA's work.

**Subpoena power:** No. However, the Police Department's Professional Standards Office must cooperate with the Auditor and must make all records, reports, evidence, and investigation activities available to the Auditor.

### **Complaint Process**

**Intake:** Complaints can be filed at the Police Department. Complaint forms must be signed in the presence of a police investigator. All complaints are immediately forwarded to both the Professional Standards Office and the Auditor.

**Informal Resolution:** None.

**Formal Investigation:** Professional Standards investigates all civilian complaints. The Auditor reviews live interviews, tapes and reports of interviews, investigative reports, tests, employment records, and all other material generated during an investigation. During interviews the Auditor may put questions to witnesses through the Professional Standards investigator, so long as the investigator finds the questions relevant.

**Findings:** Professional Standards forwards completed investigations to the Chief. The Chief may find as follows: unfounded, exonerated, not sustained, sustained, and policy failure.

**Appeals:** The Public Safety Auditor reviews all complaints. The Auditor, after reviewing a completed internal investigation, may submit a written request for further investigation. The Auditor may also address her concerns by conducting an internal investigation that the Auditing Committee will review during an executive session.

**Other Functions:** The Auditor may issue reports on policy issues.

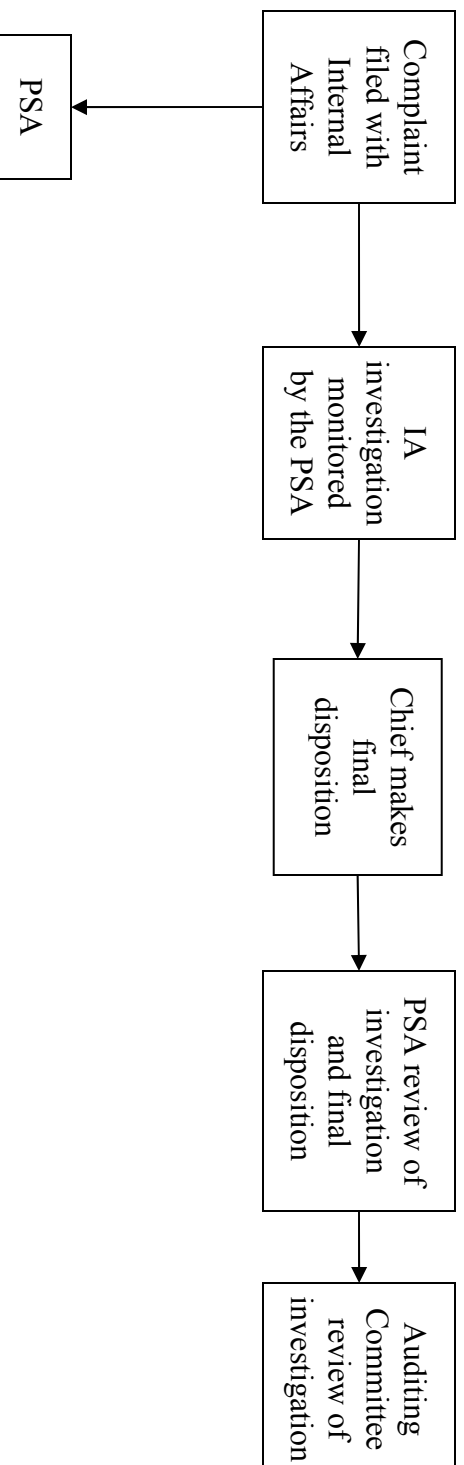
Oversight/IA Interaction: According to the Auditor, she has a good day-to-day working relationship with Internal Affairs.

Agency History: The Office of the Public Safety Auditor was created by ordinance in 2000 and began functioning in 2001.

Working Relationship with police department, city officials, community members, etc.: The Auditor indicated that her relationship with the Department began with uncertainty. The PSA has made significant progress in developing a relationship with the community, especially the minority community in Omaha. There has not been a great deal of success in developing a relationship with the City Council or police union.

Contact Information: Office of the Public Safety Auditor  
1905 Harney Street  
Suite 530  
Omaha, NE 68102  
P: (402) 546-1704  
F: (402) 996-8361  
Web: [www.ci.omaha.ne.us/departments/public\\_safety\\_auditor/default.htm](http://www.ci.omaha.ne.us/departments/public_safety_auditor/default.htm)

## Omaha Public Safety Auditor (PSA) Complaint Process



## **Portland, Oregon**

Agency: Independent Police Review Division

Jurisdiction: Portland Police Bureau

Population: 529,121

Department Size: 1,043

Annual Budget: \$843,835

Staff: 7

Structure: The Independent Police Review Division (IPR) of the Portland City Auditor operates under the authority of the elected City Auditor, who selects the IPR Director. IPR receives and screens citizen complaints, refers complaints to Internal Affairs for investigation, reviews the investigations, and facilitates appeals by dissatisfied parties.

Subpoena power: No.

Events/conditions precipitating creation of oversight mechanism: Following a split in a commission created to recommend how to replace a discredited civilian review board, the City Council in 2001 asked the City Auditor to propose changes to strengthen the system of complaints against the police.

### **Complaint Process**

Intake: Complaints can be filed with IPR in person, by telephone, facsimile, mail, or internet. Complaints are assigned to an IPR intake investigator who conducts a preliminary investigation. The preliminary investigation involves reviewing documents, interviewing complainants, and classifying the complaint. The case is then forwarded to the IPR Director. The Director can decline the complaint (if the complaint is obviously false, without merit, or the complainant is pursuing another remedy, such as a tort claim), refer to the Internal Affairs Division, offer mediation, refer to a different agency or jurisdiction, or refer to PPB Command Staff.

Informal Resolution: A case may be referred to mediation only with the consent of the complainant, the subject officer, the precinct commander, and the Captain of Internal Affairs. Outside mediators are provided.

Formal investigation: When a complaint has been referred to IA, the Captain can order a full investigation, refer to a precinct as a service complaint, decline the complaint, or administratively close. If a complaint is referred to a precinct as a service complaint, the complaint is reviewed by a precinct supervisor. Service complaints are treated as personnel management tools, not discipline, and are not recorded in an officer's file. The results of the IA investigation are forwarded to the officer's commanding officer, and then to a managerial review board, and finally to the Chief for final disposition and discipline, if the complaint is sustained. IPR monitors the complaint throughout the process and keeps the complainant informed as appropriate.

Findings: The Police Bureau may issue findings as follows: sustained, unfounded, exonerated, and insufficient evidence.

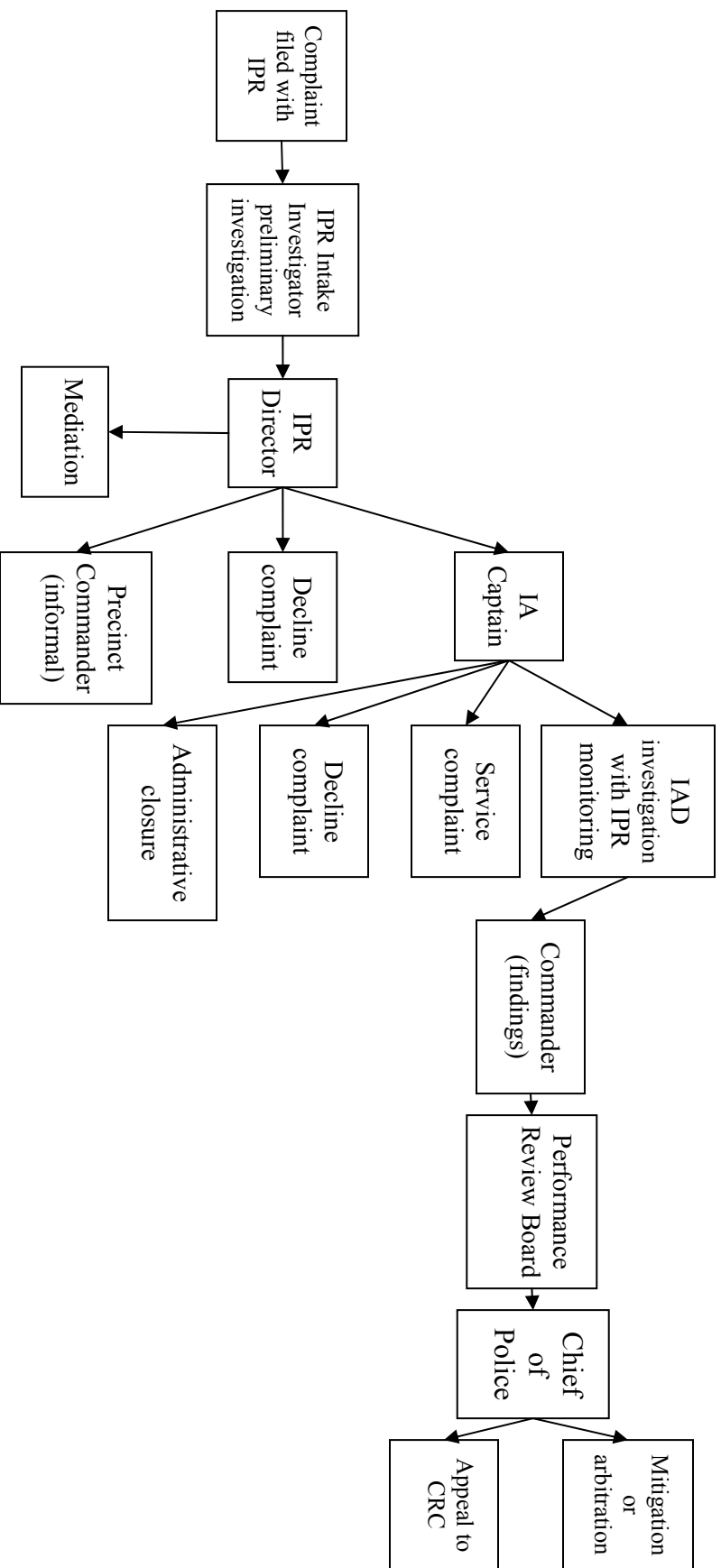
Appeals: If a complainant or officer is dissatisfied with the resolution of the complaint, either can file a request within 30 days for review by IPR and the Citizen Review Committee (CRC). The IPR will review the appeal and IA investigation and can order further investigation. If no further investigation is needed, the case proceeds to a public CRC pre-hearing. The CRC can deny the appeal or vote to hold a full hearing. The CRC can close a case by agreeing with the Police Bureau findings or by recommending changed findings to the Police Bureau. If the Police Bureau does not accept the recommendations, a complaint is resolved through a conference between the CRC and Police Bureau or a hearing before the City Council.

Other Functions: IPR reviews, monitors, and documents all IA actions and meets weekly with IA supervisors. IPR reviews and comments on Bureau policies, procedures, and training. In addition, IPR hires outside experts to perform an annual review of closed officer-involved shooting cases.

Oversight/IA Interaction: IPR gathers and forwards information from the complainant to Internal Affairs, and then monitors IA's actions and investigations on complaints..

Contact Information: Independent Police Review Division  
1221 SW Fourth Avenue  
Room 320  
Portland, OR 97204  
P: (503) 823-0146  
F: (503) 823-3530  
Web: [www.portlandonline.com/auditor/index.cfm?c=26646&](http://www.portlandonline.com/auditor/index.cfm?c=26646&)

## Portland Independent Police Review (IPR) and Citizen Review Committee (CRC) Complaint Process



## **San Jose, California**

Agency: Office of the Independent Police Auditor

Jurisdiction: San Jose Police Department

Population: 926,200

Department Size: 1,450

Annual Budget: \$660,000

Staff: 6 full-time employees – Auditor, Assistant Auditor, Citizen Complaint Examiner, Public and Community Relations, Data Analyst, Office Specialist

**Structure:** The Independent Police Auditor reports directly to the Mayor and City Council. The Council may remove the Auditor upon a resolution of ten of its 11 members. The IPA monitors IA's investigations of complaints, both throughout the process and upon their completion. If the Auditor does not agree with the Police Department's findings and cannot reach a resolution with the Department, the Auditor can have the case referred to the City Manager. The Auditor has formed an IPA Advisory Committee – which has no official status – to obtain community input.

Subpoena power: No.

### **Complaint Process**

**Intake:** Complaints can be filed with the IPA or Internal Affairs. All complaints are investigated by IA and monitored by the IPA. IPA intake investigators take the initial statements for complaints filed with the IPA. Complainants are encouraged to sign a required Department form within 30 days of the incident before a complaint can be investigated. However, if the complainant does not sign the form within 30 days, it does not preclude an IA investigator from conducting a preliminary investigation that includes reviewing all documents or evidence. As long as the form is signed within one year of the incident, complaints will be investigated fully.

**Formal Investigation:** Complaints are classified in one of five categories; formal, command review, policy, procedural, and inquiry. Inquiries are cases that were resolved before becoming a complaint. Facesheets containing information about each complaint are forwarded to the IPA within three days of classification by Internal Affairs. The IPA reviews IA classifications to ensure that complaints receive the proper level of review. The IPA monitors all ongoing investigations. The IPA is involved in many of the interviews conducted by IA. Internal Affairs sends its completed investigations to the Chief who makes the Department's findings on the case.

**Findings:** Findings are as follows: sustained, not sustained, exonerated, unfounded, and no finding. For procedural complaints the findings are as follows: within procedure or no misconduct determined. The IPA is notified of all completed investigations within five days of action by the Chief. If IPA agrees with the findings, the complainant is notified. If IPA disagrees with the findings, it can request further investigation and/or meet with Internal Affairs and the Chief to resolve the matter in issue. If IPA and the Department

cannot reach agreement, the unresolved issues are sent to the City Manager for final resolution (after which the complainant is notified).

Other Functions: The IPA makes policy recommendations and conducts community outreach.

Working Relationship with police department, city officials, community members, etc.: Over the past 11 years the Auditor says that the focus of the IPA has shifted from having to defend its right to exist to working in collaboration with the Department toward addressing problems and implementing solutions. To help establish trust, the Auditor makes a point never to surprise the Department with her findings. According to the Auditor, there has been strong resistance to the IPA from the union, particularly in the IPA being present during an interview with an officer who has been involved in an officer-involved shooting.

Additional Information: The IPA uses the Independent Police Auditor Advisory Committee (IPAAC) to publicly advocate on its behalf and to address the needs and problems of the various communities in San Jose. The IPA believes that the strength of San Jose's model lies in the IPA's ability to make policy recommendations that provide a broader scope than a case-by-case analysis can.

Contact Information: Office of the Independent Police Auditor  
2 N. Second Street  
Suite 93  
San Jose, CA 95113  
P: (408) 794-6226  
F: (408) 977-1053  
E: ind\_pol\_aud@sanjoseca.gov  
Web: [www.sanjoseca.gov/ipa/home.html](http://www.sanjoseca.gov/ipa/home.html)



## San Jose Office of the Independent Police Auditor Complaint Process



Source: Office of the Independent Police Auditor

## **Seattle, Washington**

Agency: Office of Professional Accountability Civilian Auditor

Jurisdiction: Office of Professional Accountability; Seattle Police Department

Population: 563,374

Department Size: 1,240

Staff: 1

Structure: The Auditor is an independent contractor appointed by the Mayor and confirmed by the City Council, who reviews all complaints and Office of Professional Accountability (OPA) completed investigations. The Auditor serves a two-year term and can serve no more than three terms. The Auditor can be removed from office by the Mayor. The Auditor must be an attorney with at least five years experience practicing law.

### **Complaint Process**

The Auditor is a part-time appointee, who is not an employee of the City. In reviewing OPA investigations, the Auditor has access to all files and information. The Auditor, who is required to review all complaints both at the time of classification and upon completion of the OPA investigation, has authority only to make recommendations to OPA and/or the Chief.

Oversight/IA Interaction: The Auditor confers frequently with the OPA Director about specific recommendations. According to the Auditor, lines of communication with the OPA are open and frequently and productively used.

Agency History: The Auditor position was created in 1992.

## Seattle Office of Professional Accountability (OPA), OPA Review Board (OPARB), and OPA Auditor Complaint Process

